PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

POISONS, OPIUM AND DANGEROUS DRUGS (AMENDMENT) ACT, No. 26 OF 2026

[Certified on 30th of October, 2026]

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Poisons, Opium and Dangerous Drugs (Amendment) Act, No. 26 of 2026

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L.D. - O 8/2026

AN ACT TO AMEND THE POISONS, OPIUM AND DANGEROUS DRUGS ORDINANCE (CHAPTER 218)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

Short title

1. This Act may be cited as the Poisons, Opium and Dangerous Drugs (Amendment) Act, No. 26 of 2026.

Amendment of section 77A of Chapter 218

2. Section 77A of the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218) (hereinafter referred to as the "principal enactment") is hereby amended as follows: -

(1) by the repeal of subsection (1) of that section and substitution therefor, of the following subsection:-

"(1) Any investigator who seizes any drug, substance, article or preparation in relation to an offence committed under Chapter V of this Ordinance shall, forthwith-

(a) take photographs of such drug, substance, article or preparation in its original form, including the packages and seals thereof, with video recordings where possible; and

(b) submit or transmit such photographs both in printed and electronic form and video recordings to the relevant Magistrate with a report containing the quantity of such drug substance, article or preparation.";

PL 15929 - 843 (09/2026)

(2) by the insertion, immediately after subsection (1) of that section, of the following subsections:-

"(1A) Notwithstanding anything to the contrary in subsection (3) of section 116 of the Code of Criminal Procedure Act, No. 15 of 1979, where an investigator seizes any drug, substance, article, or preparation in relation to an offence under Chapter V of this Ordinance, such investigator shall submit the same to the Government Analyst for examination if -

(a) the investigator is of the opinion that the suspect is liable to be indicted before the High Court for an offence under section 54A or 54AA; or

(b) the Magistrate, if he considers it appropriate, orders that such drug, substance, article, or preparation be submitted to the Government Analyst for examination.

(1B) Notwithstanding anything to the contrary in subsection (1A), where the investigator seizes Cannabis sativa L., the investigator shall submit only a sample thereof to the Government Analyst for examination, and the remaining quantity shall, pursuant to an order of the Magistrate, be destroyed forthwith. A report of such destruction shall thereafter be submitted to the Magistrate.

(1C) Notwithstanding anything to the contrary in subsection (3) of section 116 of the Code of Criminal Procedure Act, No. 15 of 1979, where-

(a) an investigator seizes any drug, substance, article, or preparation in relation to an offence under Chapter V of this Ordinance; and

(b) the suspect is to be produced before a Magistrate in respect of an offence other than an offence under section 54A or 54AA,

the investigator shall, pursuant to an order of the Magistrate, forthwith destroy such drug, substance, article, or preparation as may be prescribed under subsection (6), and shall thereafter submit to the Magistrate a report of such destruction.

(1D) Upon the receipt of any drug, substance, article, preparation, or the sample under subsection (1A) or (1B), the Government Analyst shall take photographs and other video recordings where available, of such drug, substance, article or preparation, or such sample including the packages and seals thereof.";

(3) by the substitution, in subsection (2) of that section, for all the words and figures from "preparation submitted to him under subsection (1)," to the end of that subsection, of the following words and figures:-

"preparation, or the sample submitted to him under subsection (1), he shall, within a period not exceeding two months from the date of such submission, send -

(a) a report setting out the result of his examination; and

(b) the photographs, both in printed and electronic form and video recordings, taken under subsection (1D),

to the Magistrate, with copies to the investigator who submitted such drug, substance, article or preparation, or such sample for examination and to the Police Narcotics Bureau.";

(4) by the repeal of subsection (5) of that section and substitution therefor, of the following subsection: -

"(5) At the first calling date of the case immediately after the receipt of the report and the relevant photographs and video recordings under subsection (2), if the court is informed that there is a suspect to be charged, the Magistrate may-

(a) where the suspect is present in court, cause to hand over a copy of such report to the suspect or his Counsel; and

(b) fix a date for the orders under subsection (5B), which shall be a date not later than fifteen days from the date on which such report was handed over to the suspect or his Counsel in terms of paragraph (a).

(5A) At the first calling date of the case immediately after the receipt of the report

and the relevant photographs and video recordings under subsection (2), if the court is informed that there is no suspect to be charged, the Magistrate may order the Government Analyst-

(a) to preserve the evidence as specified in such order, including photographs, video recordings, packages and seals; and

(b) to destroy or cause to destroy such drug, substance, article or preparation or the sample submitted under subsection (1B) and the provisions of subsections (5D), (5E) and (5F) shall *mutatis mutandis* apply in relation to such destruction.

(5B) When the matter is called before the Magistrate on the date referred to in paragraph (b) of subsection (5), the Magistrate shall order the Government Analyst to preserve the evidence as specified in such order, including photographs, video recordings, packages and seals and-

(a) where any issue has been raised under subsection (4), record the same and order the Government Analyst to destroy such drug, substance, article or preparation after retaining a sample thereof or the sample submitted under subsection (1B); or

(b) where no issue has been raised under subsection (4), order the Government Analyst to destroy

such drug, substance, article or preparation, or the sample submitted under subsection (1B).

(5C) The orders made under subsection (5B) shall be made by the Magistrate in the presence of –

(a) the Registrar of such court or his representative;

(b) the prosecuting Counsel or the investigator who conducts the prosecution or his representative; and

(c) the defence Counsel, if any or the suspect, if any.

(5D) The orders made under subsection (5B) shall be final and conclusive and shall not be called in question in any court.

(5E) A copy of the orders made under subsection (5B) shall forthwith be sent to the Government Analyst by the Registrar of such Court.

(5F) The Government Analyst shall, within a period of two weeks from the date of receipt of the copy of the orders under subsection (5E) -

(a) destroy or cause to be destroyed such drug, substance, article or preparation, or the sample under the supervision of a Magistrate, in

compliance with such order and in accordance with the procedure as may be prescribed under subsection (6); and

(b) forthwith submit a report relating to such destruction to the relevant court.

(5G) The judge of the competent court having the jurisdiction to try an offence committed under Chapter III or Chapter V shall, at the conclusion of the trial, forthwith make an order to destroy such samples retained under the paragraph (a) of subsection (5B), and the provisions of subsections (5E) and (5F) shall *mutatis mutandis* apply in respect of such destruction.";

(5) in subsection (6) of that section, by the substitution for the words and figures "prescribe by regulation," to the end of that subsection, of the following words and figures:-

"prescribe by regulations-

(a) the specifications relating to the photographs and video recordings to be taken under subsections (1) and (1D);

(b) the quantity of the sample to be retained under paragraph (a) of subsection (5B); and

(c) the mechanism of destruction of such drug, substance, article or preparation or sample thereof under this section.";

(6) by the addition, immediately after subsection (6) of that section, of the following subsection:-

"(7) For the purposes of this section, "investigator" means any law enforcement officer authorised to conduct investigations in relation to offences under Chapter V of this Ordinance, and includes a police officer, an officer of customs and an excise officer."; and

(7) by the repeal of the marginal note to that section and substitution therefor of the following marginal note:-

"Analysis and destruction of drugs & c.".

Sinhala text to prevail in case of inconsistency

3. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

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