



**MISUSE OF DRUGS (AMENDMENT) ACT, 2014**

*(Act 3 of 2014)*

*I assent*



A handwritten signature in black ink, appearing to read 'Michel'.

J. A. Michel  
President

*9th April, 2014*

**AN ACT to amend the Misuse of Drugs Act (Cap 133).**

**ENACTED by the President and the National Assembly.**

1. This Act may be cited as the Misuse of Drugs (Amendment) Act, 2014. Short title

Amendment of  
Cap 133 as last  
amended by  
Act 4 of 2012

2. The Misuse of Drugs Act is hereby amended as follows—

(a) in section 2—

(i) by inserting in the definition of “controlled drug” after the words “First Schedule”, the words and figure “or section 14”;

(ii) by inserting after the definition of “police officer in charge of a police station”, the following definition—

‘ “precursors” means any substance listed under the Third Schedule;’;

(iii) in the definition of “traffic”, by repealing the word “and” in paragraph (c) and substituting therefor the word “or” and by inserting thereafter the following paragraph—

“(d) to possess, whether lawfully or not, with intent to supply to another person contrary to this Act;”;

(b) by inserting after section 8A, the following sections—

Provisions  
relating to  
precursors,  
equipment or  
material

“8AA.(1) Every person who produces, manufactures, imports, exports, trades or distributes whether in wholesale or retail any precursors, equipment or material shall be subject to this section.

(2) An import or export permit shall not be granted for any precursors, equipment or material if there are reasonable grounds to suspect that the consignment is destined for the unlawful cultivation, production or manufacture of controlled drugs.

(3) A person referred to in subsection (1), shall enter in a register any acquisition or transfer of any precursors, equipment or material, at the time of acquisition or transfer of such precursors, equipment or material, without leaving any blank space, erasing any writing or overwriting, indicating the date of the acquisition or transfer, the name and the quantity of the precursors, equipment or material acquired or transferred, and the name, address and profession of both the purchaser and vendor, provided that the retailer need not to enter the name of the purchaser in the register.

(4) The register maintained under this section shall be kept for at least 5 years after the last entry, for presentation, whenever required by the chief officer of the NDEA or the Commissioner of Police or summoned by the court.

(5) A person referred to in subsection (1), shall forthwith notify the chief officer of the NDEA of any suspect order or purchase, specifically as regard to the quantity of the precursors ordered or purchased, the repetition of such orders and purchases, or modes of payment or transport used in connection with the order or purchase or any loss or theft of the precursors.

(6) Where there is serious ground to suspect that any precursors, equipment or material is to be used in the cultivation, production or manufacture of a controlled drug contrary to this Act, any police officer authorised in writing by the Commissioner of police or any NDEA agent authorised in writing

by the chief officer of the NDEA may seize and impound such precursors, equipment or material and detain until a competent court on the application of that officer gives direction as to its disposition.

Inspection of persons and establishments

**8AB.(1)** Every person or establishment licensed to produce, manufacture, import, export, transport, trade or distribute whether in wholesale or retail any precursors, equipment or material shall be subject to inspections carried out at least every 2 years, in the manner prescribed by regulations and the Pharmacy Act.

(2) A person or establishment licensed to produce, manufacture, import, export, transport, trade or distribute whether in wholesale or retail any precursors, equipment or material shall comply with the requirement of the inspection under subsection (1).”;

- (c) by inserting after section 11, the following section —

Forging or altering of prescription, etc

**“11A.(1)** A person shall not forge or alter a prescription for the purpose of obtaining a controlled drug or be in possession of a forged or altered prescription.

(2) A person shall not obtain or attempt to obtain a controlled drug by means of a forged or altered prescription.”;

- (d) by repealing section 14 and substituting therefor the following section —

Presumption of trafficking

**“14.(1)** A person who is proved or presumed to have had in his possession or custody or under his control —

- (a) 100 grammes or more of —
- (i) opium; or
- (ii) any substance, preparation or product containing any quantity of opium;
- (b) 3 grammes or more of —
- (i) morphine; or
- (ii) any substance, preparation or product containing any quantity of morphine;
- (c) 2 grammes or more of —
- (i) diamorphine (heroin); or
- (ii) any substance, preparation or product containing any quantity of diamorphine (heroin);
- (d) 2 grammes or more of —
- (i) cocaine; or
- (ii) any substance, preparation or product containing any quantity of cocaine; or
- (e) 25 grammes or more of —
- (i) cannabis; or
- (ii) cannabis resin,

shall, until he proves the contrary, be presumed to have had the opium, morphine, diamorphine

(heroin), cocaine, cannabis or cannabis resin or the substance, preparation or product containing opium, morphine, diamorphine (heroin) or cocaine, as the case may be, in his possession for the purpose of trafficking in the controlled drug contrary to section 5.

(2) The substance, preparation or product containing any quantity of opium, morphine, diamorphine (heroin) or cocaine shall be deemed to be the opium, morphine, diamorphine (heroin) or cocaine, as the case may be, for the purposes of this Act”;

(e) in section 38 —

(i) by inserting, in subsections (1) and (2) after the words “Commissioner of Police”, the words “or the chief officer of the NDEA”;

(ii) by inserting after subsection (1), the following subsections —

“(1A) Where the person required to be medically examined or observed by a medical practitioner under subsection (1), refuses or resists so to do, the Commissioner of Police or the chief officer of the NDEA or the person appointed by the Minister, may arrest and detain or cause to be arrested and detained such person and make an application, within 24 hours, to the court for an appropriate order.

(1B) The court may, after perusing the materials available, order that the person shall be medically examined or observed by a medical practitioner under this section or make any order as it may consider appropriate.”;

(iii) in subsection (3) —

(A) by inserting after the words “The Commissioner of Police or”, the words “the chief officer of the NDEA or”;

(B) by deleting the word “and” in paragraph (a);

(C) by inserting after paragraph (b), the following paragraph —

“(c) in the case of the chief officer of the NDEA, an NDEA agent.”;

(f) in section 44 —

(i) by inserting in subsection (1), after paragraph (e), the following paragraph, namely —

“(f) the manner of inspection of a person or establishment who produces, manufactures, imports, exports, transports, trades or distributes any precursors, equipment or material.”;

(ii) by inserting in subsection (2), after the words “First Schedule”, the words “or Third Schedule”;

(g) in the First Schedule,

(i) by inserting in Part I – Class A Drugs, paragraph 1, after item (ad) relating to “Dihydromorphine”, the following item, namely —

“(add) Dihydrodesoxymorphine, commonly known as Krokodil.”;

- (ii) by inserting in Part II – Class B Drugs, paragraph 1, after item (p) relating to “Buprenorphine”, the following item, namely—

“(q) Tetrahydrocannabinol.”;

(h) in the Second Schedule—

- (i) by inserting after the entry relating to section “8A read with 26(1)(a)”, the following entries—

1	2	3	4	5	6	7
“8AA read with 26(1)(a)	non compliance of maintaining register or not notifying suspected order or purchase of precursors				maximum 5 years and SCR200,000	
8AB read with 26(1)(a)	non compliance of requirement of inspection				maximum 5 years and SCR200,000”;	

- (ii) by inserting after the entry relating to section “11 read with 26(1)(a)”, the following entry—

1	2	3	4	5	6	7
“11A(1) read with 26(1)(a)	forging or altering of prescription or possession thereof	maximum 5 years and SCR200,000	maximum 5 years and SCR200,000	maximum 5 years and SCR200,000		
“11A(2) read with 26(1)(a)	Obtaining or attempting to obtain a controlled drug by means of forged or altered prescription	maximum 5 years and SCR200,000	maximum 5 years and SCR200,000	maximum 5 years and SCR200,000”;		

- (i) by inserting after the Second Schedule, the following Schedule—

“THIRD SCHEDULE

(Section 2)

PRECURSORS

1. Acetic anhydride acetone
2. N-Acetylanthranilic acid
3. Anthranilic acid
4. Ephedrine ethyl ether
5. Ergometrine hydrochloric acid
6. Ergotamine methyl ethyl ketone
7. Isosafrole piperidine
8. Lysergic acid
9. Sulphuric acid
10. 3,4-Methylenedioxyphenyl-2-propanone toluene
11. Norephedrine
12. Phenylacetic acid
13. 1-Phenyl-2-propanone
14. Piperonal
15. Potassium permanganate
16. Pseudoephedrine
17. Safrole
18. The salt of a substance in this Schedule whenever the existence of such salt is possible”.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 25th March, 2014.



Luisa Wayne-Hive  
Deputy Clerk