

# A BILL

## FOR

AN ACT TO AMEND SOME PROVISIONS OF THE NATIONAL BIOSAFETY  
MANAGEMENT AGENCY ACT, 2015, AND FOR RELATED MATTERS

*Sponsored by Senator Yahaya A. Abdullahi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria:

- 1           **1.** The National Biosafety Management Agency Act, (in this Act, Amendment of  
2 referred to as lithe Principal Act") is amended as hereby set out in this Act: the National  
3           **2.** Amendment of PART I, section (1), subsection (a): Biosafety  
4 Amended to read, "shall ensure the safety of the Biodiversity and effective Management  
5 management of all components of the nation's Biosafety." Agency Act, 2015
- 6           **3.** Amended to read, "the Agency shall be the national authority Amendment of  
7 on Biosafety, including the protection of Nigeria's Biodiversity." Section (2)
- 8           **4.** Amended to read, "safeguard human and animal health; Amendment of  
9 biodiversity and the environment from any adverse effect of genetically Section (2)  
10 modified organisms, including food safety;" subsection (b)
- 11           (e) amended to read, "provide measures for effective public  
12 participation in policy formulation and risk assessment, by ensuring public  
13 awareness and access to information in the use and application of modern  
14 biotechnology and genetically modified organisms; and"
- 15           **5.** Amendment of PART V, section (1), subsection (c):  
16 Add the word, Justice, as new subsection (ix) Add new subsection (f), to read  
17 "one representative of the Farmers' Association of Nigeria. "
- 18           **6.** Amendment of PART VII, 14, section (2):  
19 Subsection (c) is mended to read, "all moneys accruing to the Agency,  
20 including grants-in-aid, endowments and donations from persons,  
21 organisations and institutions whose interests do not in anyway, conflict

1 with provisions of this Act;"

2 7. Delete section 18 subsection (1); so that subsection (2) becomes  
3 new section 18: this section is amended to read, "The Agency shall not accept  
4 any gift of land, money, or other property, or things from within and outside  
5 Nigeria, if the terms and conditions attached by person, or organization  
6 offering the gift are inconsistent with its functions under this Act."

7 PART VIII, section 23 subsection (1)

8 8. This section is amended to read, ({Any person, institution or body  
9 who wishes to import, export, transit or otherwise carry out confined field trial,  
10 multi-locational trial or commercial release of genetically modified organism,  
11 of which due approval and authorization is required, shall apply to the  
12 Director-General of the Agency, not less than 270 days to the planned date of  
13 import, export, transit or the commencement of such activity."

Amendment of  
section (2)  
subsection (1)

14 9. Subsection (a), replace the word, "nav" with "shall."

15 (b) delete the words, "if any."

16 10. (g) Amended to read, " a management plan for emergency  
17 response, including remediation measures, to be taken in the event of:"

18 11. In subsection (i) replace the preposition, (to) with (is).

19 12. Amendment of section 24, subsection (2) Amended to read,"  
20 Application under this section shall only be granted upon completion of safety  
21 risk assessment to determine if there is no risk that the genetically modified  
22 organization could be eaten by humans or animals, or be harmful to the  
23 environment. "

Amendment of  
section 25  
subsection (1)

24 13. Amended to read, "The Agency shall, upon the receipt of the  
25 application, and the accompanying information under section 23 of this Act,  
26 publish in the public information media and display copies of such application  
27 and relevant information at such other places and for such period as the Agency  
28 may, from time-to-time determine, to enable the general public; concerned  
29 public health and environmental stakeholders and relevant government  
30 ministries and agencies to study and make comments on the application and

1 relevant information within 30 days."

2 14. Subsection (2), replace the word, "may" with "shall."

3 15. Amendment of section 26, subsection (1):

4 Amended to read, "The Agency shall, in addition to the comments received  
5 pursuant to section 23 of this Act, hold public hearings and consultations to  
6 obtain further comments and inputs that will assist in the review or  
7 processing of the application."

8 16. Subsection (2) is amended to read, "Notwithstanding any other  
9 provisions in this Act, the Agency shall determine whether confidential or  
10 not, any business information submitted by any person, institution or body,  
11 to the Agency under this Act."

12 17. Subsection (d), substitute the word, "may" with "shall."

Amendment of  
Section 28

13 (e) Amended to read, "shall in respect of any approval for import,  
14 transit, contained use, confined field trial, multi-locational trials or  
15 commercial release of any genetically modified organism, direct the  
16 applicant to work in collaboration with public health and environmental  
17 stakeholders. to carry out monitoring and evaluation of risk for a specific  
18 period equivalent to the life cycle of the relevant species, or for such period  
19 as the Director-General may, from time-to-time, determine;"

20 18. PART IX section 31, subsection (1) Amended to read, "Every  
21 applicant seeking approval for genetically modified organism under this Act  
22 shall, prior to the submission of the application carry out a mandatory risk  
23 assessment, in collaboration with public health and environmental  
24 stakeholders, of the potential risk the genetically modified organism poses  
25 to human health, animal, plant, or the environment in Nigeria.

26 19. Amendment of subsection (4): change the word, "may" to  
27 "shall."

28 20.-(b) Amended to read, "there is likely to be conflict of interest as  
29 a result of his participation in the risk assessment review process."

Amendment of  
Section 32

Amendment of  
Section 34,  
subsection (b)

1                   21. Amended to read, "prohibit the import transit, contained use,  
2 release or placing on the market of any genetically modified organism, if it  
3 contains characteristics, or specific traits which pose any risks to human health,  
4 animal, plant and the environment;"

Amendment of  
Section 34,  
subsection (c)

5                   22. Amended to read, "require any person, institution or body  
6 responsible for any activity relating to genetically modified organisms to take  
7 such measures as may be necessary, from time-to-time, to prevent, or limit any  
8 threats to human health animal, plant or the environment;"

9                   23. PART X section 35 (1):

10                   (a) Add the letter, "s" to the words, "export" and "transit."

Amendment of  
subsection (b)

11                   24. Subsection (i), the amount, "N2,500,00.00" is amended to read,  
12 "N 10,000,000." Subsection (ii), the amount, "N5,000,000," is amended to  
13 read, "N15,000,000" and the amount, " N2,500,000" is amended to read,  
14 "N5,000,00."

15                   Subsection (2):

16                   (a) Amended to read, "becomes aware, after the grant of approval or  
17 permit to him, of any new information which indicates that the genetically  
18 modified organism poses any risk to human health, animal, plant or the  
19 environment and fails to give such information to the Agency; and

20                   (b) "gives any false information purporting to be new information that  
21 suggests that the genetically modified organism, in respect of which approval  
22 or permit was refused poses no risks to human health, animal, plant or the  
23 environment, commits an offence under this Act and shall, on conviction, be  
24 liable:

25                   (i) change the amount, N2,500,000.00 to N5,000,000;

26                   (ii) change the amount, N5,000,000.00, to N15,000,000.00, and  
27 change the amount, N2,500,000.00, to N5,000,000.00.

28                   Amendment of section 36:

29                   (a), change the amount, N2,500,000.00, to N5,000,000.00;

30                   (b), change the amount, N5,000,000.00, to N10,000,000.00.

- 1                   25.. Amendment of section 37:  
2                   Change the amount, N2,500,000.00, to N3,000,000.00.
- 3                   26. Amendment of section 38:  
4                   Change the amount, N2,5000,000.00, to N3,000,000.00.
- 5                   27. PART XI 41, (1).
- 6                   28. Amended to read, "handling, transporting, packaging; strict  
7 liability and redress for damages from the activities of modern  
8 biotechnology and genetically modified organisms. Liability and redress  
9 for a damage that occurs as a result of an activity under this Act, is subject to  
10 strict liability, in accordance with standard international practices; and  
11                   (b), change the word, "may" to "shall."  
12                   29. FIRST SCHEDULE Section 24 (2) (H).
- 13                   30. Amended to read, "the words, 'This product contains  
14 genetically modified organisms' wherever GMO presence is detected at  
15 0.001%."  
16                   (c) Amended to read, "the words, 'there is a likelihood that this  
17 product may cause reactions, allergies, or other side-effects."  
18                   (d) Substitute the referred "subparagraph (c)" to "subparagraph  
19 (b)."
- 20                   31. This Bill may be cited as the National Biosafety Management  
21 Agency (Amendment) Bill, 2018.

Amendment of  
subsection (a)Amendment of  
subsection 3 (a)

Citation

## EXPLANATORY MEMORANDUM

This Bill seeks to amend some provisions of the National Biosafety Management Agency Act.

