

# A BILL

## FOR

AN ACT TO AMEND THE DANGEROUS DRUGS ACT, CAP. D1, LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO REVIEW THE POWERS OF THE MINISTER; POWERS OF ARREST; AND TO PROVIDE FOR PENALTIES FOR OFFENCES, AND FOR RELATED MATTERS

*Sponsored by Hon. Paschal C. Obi*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1           1. The Dangerous Drugs Act, Cap D1, Laws of the Federation of  
2 Nigeria, 2004 in this BILL referred to as ("The Principal Act") is amended as  
3 set out in this Bill.

Amendment of  
Dangerous Drugs  
Act, Cap. D1,  
LFN, 2004

4           2. Section 9: Prohibition of Trade in new Drugs, and Power to  
5 apply Part III with or without modifications to certain Drugs.

6           Section 9:

7           (1) It shall not be lawful for any person in Nigeria to trade in or  
8 manufacture for the purpose of trade any products obtained from any of the  
9 Phenanthrene alkaloids of opium or from ecgonine alkaloids of the coca  
10 leaf, not being a product which was on the 13th day of July, 1931, being used  
11 for medical or scientific purposes:

12           Provided that if the President is at any time satisfied as respects any  
13 such product that it is of medical or scientific value, he may by order direct  
14 that this section shall cease to apply to that product.

15           (2) If any person acts in contravention of the provisions of  
16 subsection (1) of this section, he shall be guilty of an offence against this Act.

17           (3) If it is made to appear to the President that a decision with  
18 respect to any such product as is mentioned in subsection (1) of this section  
19 has in pursuance of Article II of the Geneva Convention (No.2) been

1     communicated by the Secretary-General of the United Nations to the parties to  
2     the said convention, the President may by order, as the case requires, either  
3     declare the provisions of the said Part III shall apply to that product in the same  
4     manner as they apply to the drugs mentioned in subsection (1) of section 9 of  
5     this Act, or apply the said part III to that product with such modifications as  
6     may be specified in the order.

7             (4) The President may by order apply Part III of this Act with such  
8     modifications as may be specified in the order, to any of the following drugs,  
9     that is to say, methyImorphine (commonly known as codeine) ethylmorphine  
10    (commonly known as dionin) and their respective salts.

11                             PROPOSED AMENDMENTS TO SECTION 9:

12             Section 9:

13             (1) "It shall not be lawful for any person in Nigeria to trade in or  
14     manufacture for the purpose of trade, any product obtained from any of the  
15     phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca  
16     leaf, not being a product which was on the 13th Day of July, 1931, being used  
17     for medical or scientific purposes:

18             Provided that if the President, on the written advice or  
19     recommendation of the Minister of Health, is at any time satisfied as respects  
20     any such product that it is of medical or scientific value, he shall by order direct  
21     that this section shall cease to apply to that product".

22             (2) "If any person acts in contravention of the provisions of subsection  
23     (1) of this section, he shall be guilty of an offence against this Act, and the  
24     person shall upon conviction by a competent court be liable to imprisonment  
25     for a term not less than fifteen years without option of fine".

26             (3) "If it is made to appear to the President on the written advice or  
27     recommendation of the Minister of Health that a decision with respect to any  
28     such product as is mentioned in subsection (1) of this section has in pursuance  
29     of Article II of the Geneva Convention (No.2) been communicated by the  
30     Secretary-General of the United Nations to the parties to the said convention,

1 the President may by order, as the case requires, either declare that the  
2 provisions of the said Part III shall apply to that product in the same manner  
3 as they apply to the drugs mentioned in subsection (l) of section 9 of this Act,  
4 or apply the said part III to that product with such modifications as may be  
5 specified in the order".

6 (4) "The President may by order, on the written advice or  
7 recommendation of the Minister of Health, apply part III of this Act, with  
8 such modifications as may be specified in the order, to any of the following  
9 drugs, that is to say methylmorphine (commonly known as codeine),  
10 ethylmorphine (commonly known as dionin) and their respective salts".

11 **3. Section 10: Definitions of Purposes of Part V**

12 Section 10:

13 For the purposes of this part:

14 "Conveyance" includes ship, motor, aircraft, train, and any other means of  
15 transport by which goods may be brought into or taken from Nigeria".

16 **PROPOSED AMENDMENT TO SECTION 10 ON CONVEYANCE:**

17 Section 10:

18 For the purposes of this part:

19 "Conveyance" includes ship, motor, aircraft, train, vehicle, motorcycle,  
20 tricycle, bicycle, horse, camel, and such other means of transport by which  
21 goods may be brought into Nigeria, including circulations and distributions  
22 or taken from Nigeria".

23 **4. Section 19: Offences and Penalties**

24 Section 19:

25 (1) Any person:

26 (a) who does any act declared by this Act or by any regulation  
27 hereunder not to be lawful or who acts in contravention of, or fails to comply  
28 with, any of the provisions of this Act or of any regulation hereunder; or

29 (b) who acts in contravention of, or fails to comply with, the

1 conditions of any license issued or authority granted under or in pursuance of  
2 this Act; or

3 (c) who for the purpose of obtaining, whether for himself or for any  
4 other person, the issue, grant or renewal of any such license or authority as  
5 aforesaid, makes any declaration or statement which is false in any particular,  
6 or knowingly utters, produces or makes use of any such declaration or  
7 statement or any document containing the same; or

8 (d) who in Nigeria aids, abets, counsels or procures the commission in  
9 any place outside Nigeria of any offence punishable under the provisions of  
10 any corresponding law in force in that place, or does any act preparatory to, or  
11 in furtherance of, any act which if committed in Nigeria would constitute an  
12 offence under this Act.

13 (2) Every person guilty of an offence under this Act, shall in respect of  
14 each offence, be liable to a fine of two thousand naira or to be imprisoned for a  
15 term of ten years, or to both; and shall, in every case on conviction for the  
16 offence, forfeit all articles in respect of which the offence was committed, and  
17 the court before which the offender was convicted may order any forfeited  
18 articles to be destroyed or otherwise disposed of as the court deems fit.

19 (3) No person shall, on conviction for any offence of contravening or  
20 failing to comply with any regulation under this Act relating to the keeping of  
21 books or the issuing or dispensing of prescriptions containing drugs to which  
22 this Act applies, be sentenced to imprisonment without the option of a fine or to  
23 pay a fine exceeding one hundred naira, if the court dealing with the case is  
24 satisfied that the offence was committed through inadvertence and was not  
25 preparatory to, or in, connection with, the commission or intended commission  
26 of any other offence under this Act

27 (4) if any person attempts to commit an offence against this Act, or  
28 solicits or incites another person to commit such an offence, he shall without  
29 prejudice to any other liability, be liable to the same punishment and forfeiture  
30 as if he had committed an offence under this Act.

1 (5) Where a person convicted of an offence under this Act is a  
2 Company, the Chairman and every other director and every other officer  
3 concerned in the management of the company shall be guilty of the like  
4 offence unless he proves that the act constituting the offence took place  
5 without his knowledge or consent.

6 (6) Every Magistrate, whether in Federal Capital Territory, Abuja  
7 or in any state, shall notwithstanding anything contained in any enactment  
8 have jurisdiction for the summary trial of any offence under this Act and  
9 may impose the punishment provided by this section for that offence.

10 PROPOSED AMENDMENTS TO SECTION 19

11 Section 19 (2):

12 (2) Every person guilty of an offence under this Act, shall in respect  
13 of each offence be liable to imprisonment for not less than fifteen years or to  
14 a fine not less than five hundred thousand naira for individual or five million  
15 naira for company or to both imprisonment and fine; and shall in every case  
16 on conviction for the offence, forfeit all articles and property (movable or  
17 immovable) in respect of which the offence was committed and the court  
18 before which the offender was convicted shall order any forfeited article or  
19 property (movable or immovable) to be destroyed or otherwise disposed of  
20 as the court deems fit".

21 (3) "No person shall on conviction for any offence of contravening  
22 or failing to comply with any regulation under this Act relating to the  
23 keeping of books or the issuing or dispensing of prescriptions containing  
24 drugs to which this Act applies, be sentenced to imprisonment without the  
25 option of a fine or to pay a fine not less than five hundred thousand naira, if  
26 the court dealing with the case is satisfied that the offence was committed in  
27 the cause of or in connection with the commission or intended commission  
28 of any other offence under this Act".

29 (5) "Where person convicted of an offence under this Act is a  
30 company, the Chairman and every director and every officer concerned in

1 the management of the company shall be guilty of the like offence unless he  
2 and they proves or prove that the act constituting offence took place without his  
3 and their knowledge or consent".

4 (5) "Every High Court (Federal, States and FCT) in Nigeria, shall  
5 notwithstanding anything contained in any enactment, has jurisdiction for the  
6 trial of any offence or all offences under this Act and shall impose the  
7 punishment(s) provided by this section for that offence or offences".

8 5. Section 21: Power of Arrest

9 Section 21:

10 Any police officer may arrest without warrant any person who has committed,  
11 or attempted to commit, or is reasonably suspected by the police officer of  
12 having committed or attempted to commit an offence under this Act.

13 PROPOSED AMENDMENT TO SECTION 21

14 Section 21:

15 "Any police officer or private person may arrest without warrant any person  
16 who has committed, or attempted to commit, or is reasonably suspected by the  
17 police officer or private person of having committed or attempted to commit an  
18 offence under this Act"

Citation

19 6. This Bill may be cited as the Dangerous Drugs Act (Amendment)  
20 Bill, 2021.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Dangerous Drugs Act, CAP DI, Laws of the Federation of Nigeria, 2004 in order to enhance the advisory and supervisory roles of the Minister of Health, allow for arrest by private person(s), and review penalties and punishments as provided for under this Act.