

A BILL

FOR

AN ACT TO AMEND THE NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL ACT, CAP. N1, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS, 2020

Sponsored by Hon. Yusuf Tanko Sumunu

[] Commencement

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

1 **1.** The National Agency for Food and Drug Administration and
2 Control Act (herein after referred to as 'the Principal Act) is hereby amended
3 as set out in this Bill.

Amendment of
the National Agency
for Food and Drug
Administration
and Control Act

4 **2.** Section 5 of the Principal Act is amended-
5 (a) in paragraph (a) by deleting the words "bottled water" and
6 substituting thereof the words 'packaged water' ;

Amendment of
Section 5

7 (b) in paragraph (c) by substituting the existing paragraph (c) with
8 a new paragraph (c) as follows-

9 (c) 'collaborate with the National Drug Law Enforcement Agency
10 in measures to eradicate drug abuse and cooperate with other relevant
11 Agencies in pursuance of her functions' ;

12 (c) in paragraph (n) by substituting the existing paragraph (n) with
13 a new paragraph (n) as follows-

14 (n) 'co-ordinate clinical trials and undertake other research
15 programmes on the storage, adulteration, distribution and rational use of
16 food, drugs, cosmetics, medical devices, packaged water and chemicals' ;

17 (d) in paragraph (t) by inserting new paragraphs (t), (u), (v), (w),
18 (x) and renumbering the existing paragraph (t) as new paragraph (y), as
19 follows -

20 (t) 'maintain posts at points of entry for the purpose of carrying out

1 inspection and enforcement of imported drugs, food, cosmetics, medical
2 devices, chemicals, etc' ;

3 (u) 'seal or place on hold premises, facilities, warehouses or part of
4 same or similar places as may be necessary in pursuance of this Bill where there
5 is reasonable belief that a provision of this Bill, related Acts or Regulations
6 have been contravened' ;

7 (v) 'carry out pharmacovigilance and post-marketing surveillance of
8 food, drug, cosmetics, medical devices, chemical and packaged water' ;

9 (w) 'take necessary measures in emergency health situations in
10 pursuance of this Bill, related Acts and Regulations' ;

11 (x) 'adopt reliance, where necessary, in other regulatory bodies'
12 pronouncements or decisions in carrying out her functions' ; and

13 (y) 'carry out such activities as are necessary or expedient for the
14 performance of its functions under this Bill'.

Amendment of
Section 25

15 **3.** Section 25 of the Principal Act is amended by -

16 (a) Substituting the existing subsection (i) with a new subsection (i) to
17 read as follows-

18 (1) 'A person who obstructs an officer of the agency in the
19 performance of his duties under Section 24 of this Bill commits an offence and
20 shall be liable, on conviction, to a fine of N1,000,000 or to imprisonment for a
21 term not less than five years or to both such fine and imprisonment' ;

22 (b) Substituting the existing subsection (3) with a new subsection (3)
23 as follows-

24 (3) 'Where no penalty has been specified, the person shall be liable, on
25 conviction, to a fine of N1,000,000 or imprisonment for a term not exceeding
26 five years or to both such fine and imprisonment' ;

27 (c) Substituting the existing subsection (4) with a new subsection (4)
28 as follows-

29 (4) 'Where an offence, under this Bill which has been committed by a
30 body corporate is proved to have been committed with the consent or

1 connivance of, or to be attributable to any neglect on the part of any director,
2 manager, secretary or other similar officer of the body corporate or any
3 person purporting to act in any of those capacities, he, as well as the body
4 corporate shall be deemed to have committed the offence and shall be liable,
5 on conviction, to a fine of N5,000,000' ;

6 (d) By inserting new subsections (5), (6) and (7) and renumbering
7 the existing subsection (5) as new subsection (8) as follows :

8 (5) 'Any person who imported, exported drug, food, cosmetics,
9 medical devices, chemicals, etc without registration /authorization commits
10 an offence and shall be liable, on conviction, to a fine of not less than
11 N5,000,000 or imprisonment for a term of not less than five years or to both
12 such fine and imprisonment';

13 (6) 'Any person who tampers with products on
14 hold/unauthorized removal of hold label commits an offence and shall be
15 liable, on conviction to a fine of not less than N3,500,000 or imprisonment
16 for a term not less than 5 years or to both such fine and imprisonment' ;

17 (7) 'Any person who sells expired, fake, banned or unwholesome
18 drug, food, cosmetics, medical devices or packaged water commits an
19 offence and shall be liable, on conviction, to a fine of not less than
20 N3,000,000 or to imprisonment for a term not less than five years or to both
21 such fine and imprisonment'.

22 (8) 'The Federal High Court shall have exclusive jurisdiction to try
23 offences under this Bill'.

24 **4.** This Bill may be cited as the National Agency for Food and Citation
25 Drug Administration and Control Act (Amendment) Bill, 2020.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Agency for Food and Drug Administration and Control Act in order to capture the other forms of packaging water, other than in bottles, encourage cooperation with other relevant agencies in carrying out its functions, introduce the coordination of clinical trials, and some new offences and increase penalties for commission of offences under the Bill.