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THE DRUG CONTROL AND ENFORCEMENT ACT, 2014

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NOTICE

This Bill is to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es salaam, 30th October, 2014

OMBENI Y. SEFUE
Secretary to the Cabinet

A BILL

for

An Act to make robust legislative rules for efficient and effective control of narcotic drugs and psychotropic substances; provide for the establishment of the Drug Control and Enforcement Authority for the prevention and control of substance abuse and drug trafficking, to repeal the Drugs and Prevention of Illicit Traffic in Drugs Act and to provide for other related matters.

ENACTED by the Parliament of the United of Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

1.—(1) This Act may be cited as the Drug Control and Enforcement Act, 2014 and shall come into operation on such a date as the Minister may, by notice published in the Gazette, appoint.

(2) This Act shall apply to Mainland Tanzania as well as in Tanzania Zanzibar.

2. In this Act, unless the context requires otherwise-

“addict” means a person with a condition such that-

(a) administration of a drug results in the person demonstrating impaired control in relation to use of that drug, or drug-seeking behavior suggesting such impaired control; and
(b) cessation of the administration of the drug is likely to result in
the person experiencing symptoms of mental or physical
distress or disorder;
“Authority” means the Drug Control and Enforcement Authority
established under section 3;
“authorised officer” means any person authorized to perform duties and
functions conferred to him under this Act;
“cannabis” means any part of the plant of the genus cannabis, excluding
the seeds, the mature stock, or fibre produce from the cannabis
plant or cannabis resin;
“cannabis oil” means a liquid containing any quantity of tetrahydro-
cannabinol;
“cannabis plant” means a plant of the genus cannabis by whatever name
called and includes any part of that plant;
“cannabis resin” means the separated resin where the crude or purified is
obtained from the cannabis plant;
“chemical precursors” means a substance frequently used in the illicit
manufacture of narcotic drugs or psychotropic substances as
defined in Article 12 of the UN Convention Against Illicit Drugs
and Psychotropic Substances mentioned in Table I and Table II as
provided for in the Second Schedule to this Act;
“coca leaf” means-
(a) the leaf of the coca plant except a leaf from which all ecgonine,
cocaine and any other ecgonine alkaloids have been removed;
(b) any mixture with or without any neutral material, which does
not include any preparation containing no more than 0.1
percent of cocaine;
“coca plant” means the plant of any species of the genus erythroxylon;
“Council” means the National Drug Council established under section 5;
“conveyance” means a conveyance of any description whatsoever and
includes an aircraft, vehicle or vessel;
“court” means-
(a) in respect of offences for contravention of sections 17, 20, 21
22, 23, 28 and 33 means, subordinate court;
(b) in respect of offences for contravention of sections 16, 24, 25,
26, 27 and 31, means the High Court;
“cultivate” includes planting, saving, scattering the seed, graving,
mortaring, lending or harvesting;
“dentist” means a person authorised and licensed under the Medical
Practitioners and Dentists Act to examine, diagnose, treat and prescribe for patients; “drugs” means the narcotic drugs and psychotropic substances specified in the First Schedule; “export from the United Republic” with its grammatical variations and cognate expressions, means taking out of the United Republic to a place outside United Republic; “illicit traffic” in relation to narcotic drugs and psychotropic substances, means-(a) cultivating any coca plant or gathering any portion of coca plant; (b) cultivating the opium poppy or any cannabis plant; (c) engaging in the production, manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import into United Republic, export from United Republic or transshipment, of narcotic drugs or psychotropic substances; (d) dealing in any activities in narcotic drugs or psychotropic substances; (e) handling or letting out any premises for the carrying on of any of the activities, other than those permitted under this Act, or any condition of any licence, term or authorisation issued, thereunder, and includes-(i) financing, directly or indirectly, any of the aforementioned activities; (ii) abetting or conspiring in the furtherance of or in support of doing any of the aforementioned activities; and (iii) harbouring persons engaged in any of the aforementioned activities; “import into the United Republic” with its grammatical variations and cognate expressions, means to bring into the United Republic from a place outside the United Republic and includes the bringing into any port or airport or place in the United Republic of a narcotic drug or a psychotropic substances intended to be taken out of the United Republic without being removed from the vessel, aircraft, vehicle or any other conveyance in which it is carried; “International Convention” means-(a) a Single Convention on Narcotic Drugs, 1961, adopted by the
United Nations Conference at New York in March, 1961;
(b) a Protocol amending the Convention mentioned in subclause (a), adopted by the United Nations Conference at Geneva in March, 1972;
(c) a Convention on Psychotropic Substances, 1971, adopted by the United Nations Conference at Vienna in February 1971; and
(d) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted at Vienna on 19th December, 1988; and
(e) any other international Convention or protocol or other instrument amending an international Convention, relating to narcotic drugs or psychotropic substances, which may be ratified or acceded to by the United Republic after the commencement of this Act;

“Khat” means leaves and young shoots of a plant *catha edulis forsk*, a species belonging to a plant family *celastraceae*;
“manufacture” in relation to narcotic drugs or psychotropic substances, includes-
(a) all processes other than production by which such drugs or substances may be obtained;
(b) refining of such drugs or substances;
(c) transformation of such drugs or substances; and
(d) making of preparation otherwise than in a pharmacy on prescription with or containing such drugs or substances;

“manufactured drug” means-
(a) all coca derivatives, medicinal cannabis, opium derivatives and poppy straw concentrate;
(b) any other narcotic substance or preparation which the Authority may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notice in the Gazette, declared to be a manufactured drug, but shall not include any narcotic substance or preparation which the Authority may, having regard to the available information as to its nature or to a decision, if any, under any International Convention, by notice in the Gazette, declare not to be a manufactured drug;

“medical practitioner” means a physician or surgeon authorised and licensed under the Medical Practitioners and Dentists Act to examine, diagnose, tract, and prescribe for patients;
“medicinal cannabis” means any extract or tincture of cannabis;
“Minister” means the Minister responsible for drug control;
“narcotic drug” means any substance specified in the Schedule or anything that contains any substance specified in that First Schedule;
“opium” means-
(a) the coagulated juice of the opium poppy; and
(b) any mixture, with or without any neutral material, of the coagulated juice of the opium poppy which does not include preparation containing no more than 0.2 percent of morphine;
“opium derivative” means-
(a) medicinal opium, that is, opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the Tanzania Food, Drugs and Cosmetics Act, or any other pharmaceutical notified in this behalf by the Government, whether in powder form or granulated or otherwise or mixed with neutral materials;
(b) prepared opium, that is, any product of opium obtained by any series of operations designed to transform opium into an extract suitable for smoking and the other residue remaining after opium is smoked;
(c) phenantrone alkaloids, namely, morphine, codeine, the baine and their salts;
(d) diacetylmorphine, that is, the alkaloid also known as diamorphine or heroin and its salts; and
(e) all preparations containing more than two percent of morphine or containing any diacetylmorphine;
“opium poppy” means-
(a) a plant of the species papaver somniferum L; and
(b) a plant of any other species of papaver from which opium or any phenanthrene alkaloid can be extracted and which the Authority may, by notice in the Gazette, declare to be opium poppy for the purposes of this Act;
“place” includes vacant land, premises, vehicle, vessel or aircraft;
“poppy straw” means all parts except seeds of the opium poppy after harvesting, whether in their original form or cut, crushed or powdered and whether or not juice has been extracted therefrom;
“preparation” in relation to a narcotic drug or psychotropic substance, means any one or more such drugs or substances in dosage form or any solution or mixture, in whatever physical state, containing one
or more such drugs or substances;
“precursor chemicals” means a chemical used in the process of
manufacturing of narcotic drugs or psychotropic substance;
“production” means the separation of opium, poppy straw, coca leaves,
cannabis or khat from the plants from which they are obtained;
“prohibited plant” means cannabis, khat plant, coca plant, papaver
somniferum or opium poppy and papaver setigerum;
“psychotropic substance” means any substance, natural or synthetic, or any
natural material or any salt or preparation of such substance or
material included in a list of psychotropic substances specified in
the First Schedule;
“sell” includes offer or expose for sale;
“supply” includes consignment, dispatch, transport, delivery, distribution
as well as offer to supply;
“transport” means taking from one place to another within the United
Republic;
“trafficking” means the importation, exportation, manufacture, buying,
sale, giving, supplying, storing, administering, conveyance,
delivery or distribution, by any person of narcotic drug or
psychotropic substance any substance represented or held out by
that person to be a narcotic drug or psychotropic substance or
making of any offer but shall not include-
(a) importation or exportation of any narcotic drugs or
psychotropic substance or the making of any offer by or on
behalf of any person who holds a licence under this Act in
accordance with the licence;
(b) manufacturing, buying, selling, giving, supplying,
administering, conveying, delivery or distribution of any
narcotic drug or psychotropic substance or the making of any
offer by or on behalf of any person who has a licence under this
Act;
(c) selling or supplying or administering for medical purposes, and
in accordance with the provisions of this Act, or the making of
any offer by a medical practitioner or veterinary surgeon or
dentist or by any other person qualified to do so on the
instructions of the medical practitioner, veterinary surgeon or
dentist;
(d) selling or supplying in accordance with the provisions of this
Act of a narcotic drugs or psychotropic substance by a
registered pharmacist;
(e) when use in relation to narcotic drugs and psychotropic substances, means any substance specified in the First Schedule or anything which contains any substance specified in the First Schedule.

PART II
THE DRUG CONTROL AND ENFORCEMENT ESTABLISHMENT OF AUTHORITY FOR COORDINATION AND COMBATING DRUGS

3. There shall be a Drug Control and Enforcement Authority.

4.-(1) The functions of the Authority shall be to define, promote, coordinate and implement all measures geared towards control of drugs, drug abuse and trafficking in drugs.
(2) In performing its functions the Drug Control and Enforcement Authority shall:
(a) implement the provisions of international conventions, bilateral and multilateral agreements on control of narcotic drugs and psychotropic substances;
(b) develop and implement a national plan of action for drug control;
(c) develop guidelines for addressing drug problem and its consequences to the general public;
(d) update and adapt drug control laws and regulations;
(e) promote the prevention of drug abuse and trafficking including education, dissemination of information to the general public and other drug initiatives;
(f) take measures to combat drug trafficking including arrest, search, seize and investigation on drug related matters;
(g) prevent, detect, and investigate the diversion of controlled pharmaceuticals and listed chemicals from legitimate sources while ensuring an adequate and uninterrupted supply for legitimate medical, commercial and scientific needs;
(h) establish a viable data collection and analysis system at the national level on drug abuse and drug trafficking;
(i) promote and ensuring international cooperation in drug control measures;
(j) undertake, support and coordinate research on drug related issues;
(k) coordinate and support stakeholders on control of drug abuse and trafficking;
(l) sensitize and mobilize the community to participate in the fight against drug abuse and trafficking; and
(m) train personnel dealing with control of drug abuse, trafficking, money laundering and chemical precursors;
(3) The Authority shall, in performing its functions under subsection (2), and where circumstances require, collaborate with the authority responsible for drug control in Tanzania Zanzibar.
(4) The Authority shall ensure that the requirements of the International Conventions are effectively fulfilled by the Government both at the national level and its relations with other states and international bodies in charge of drug control, as well as the implementation, at the national and international level of the drug control machinery are strengthened.

5.- (1) There shall be a National Drug Control Council.
(2) The Council shall consist of fourteen members namely:
(a) the Prime Minister who shall be a Chairman;
(b) other Members shall be:
   (i) the Minister responsible for legal affairs;
   (ii) the Minister responsible for home affairs;
   (iii) the Minister responsible for health;
   (iv) the Minister responsible for community development;
   (v) the Minister responsible for foreign affairs;
   (vi) the Minister responsible for finance;
   (vii) the Minister responsible for youth development;
   (viii) the Minister responsible for education;
   (ix) the Minister responsible for agriculture;
   (x) the Minister responsible for transport;
   (xi) the Minister responsible for Drug control – Revolutionary Government of Zanzibar;
   (xii) the Minister responsible for Tourism – Revolutionary Government of Zanzibar; and
   (xiii) the Minister responsible for Finance – Revolutionary Government of Zanzibar.
(3) Other Ministers may be called upon to serve to the Council in
accordance with the agenda discussed and the Council may invite any other person to attend, if it is deemed necessary to do so.

(4) The principal function of the Council shall be to oversee the implementation of the National Drug Control Policy.

(5) The Council shall meet at least twice a year in regular session and whenever necessary in special session.

(6) Where the Prime Minister is unable to discharge his functions under this section for any other reason, the Council shall be chaired by the Minister responsible for legal affairs and in his absence the Minister responsible for home affairs and, in the absence of the latter the Minister responsible for health.

6.- (1) There shall be a Commissioner General of the Authority who shall be appointed by the President from amongst qualified public servants.

(2) The Commissioner General shall be the chief executive officer and accounting officer of the Authority and shall be responsible to the Council in the discharge of functions of the Authority.

(3) The Commissioner General shall be the Secretary to the Council and be responsible for implementation of decisions of the Council.

7.- (1) The Commissioner General shall perform the following functions:

(a) represent the Authority within the international authorities competent in the matters related to drug control;

(b) encourage and coordinate drug control action implemented by relevant stakeholders;

(c) liaise with relevant international organizations on matters relating to drug control; and

(d) ensure or facilitate the transmission of information and data to the competent international bodies as required by the treaties.

(2) The powers conferred on the Commissioner General shall include powers to order information from and to summon attendance of any person for the purpose of answering any question relating to drug abuse and trafficking.

8.- (1) The Commissioner General may, the approval of the Council, appoint or employ such numbers of officers and other employees of the Authority as may be necessary for the proper and efficient
discharge of the functions under this Act.

(2) The terms and conditions of service, remunerations and allowances of officers and other employees of the Authority shall, after recommendation of the Council, be submitted to the President for or approval.

9.-(1) There is established a committee, which shall be known as the Advisory Committee.

(2) The Committee shall have a duty of advising the Commissioner General on matters relating to drug control.

(3) The Committee shall consist of not more than nine members drawn from Ministries, Government Departments, law enforcement agencies, Non Government Organizations and other stakeholders.

(4) The Minister shall appoint persons with experience and knowledge on matters relating to drug abuse or persons whose contributions may be of significant value to the formulation and execution of national policy on illicit drugs to be members of the Advisory Committee.

10.-(1) The Government shall endeavour to take such measures as necessary or expedient for the purpose of preventing and combating abuse of narcotic drugs, psychotropic substances and the illicit traffic.

(2) Measures which the Government may take pursuant to subsection (1) shall include-

(a) co-ordination of activities done by various officers and authorities under this Act or under any other written law for the time being in force in connection with the enforcement of the provisions of this Act and obligations under International Conventions;

(b) render assistance to authorities in foreign countries and international organisations with a view to facilitate co-ordination and universal action for prevention and suppression of illicit traffic in narcotic drugs and psychotropic substances;

(c) identification, treatment, education, after care, rehabilitation and social integration of drug addicts; and

(d) such other matters as the Government deems necessary or expedient for effective preventing and combating the abuse of narcotic drugs, psychotropic substances and illicit trafficking of drugs.
PART III
PROHIBITION OF POSSESSION AND TRAFFICKING OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

11. Any person who-
(a) cultivates any cannabis, khat plant coca plant or gathers any portion of coca plant or leaves and young shoots of Catha edulis;
(b) cultivates papaver somniferous or opium poppy or papaver setigerum;
(c) possesses or supply seeds used in production of drugs;
(d) being the owner, occupier or concerned in the management of any premises or place, permits the premises or place to be used for any activities, referred to in paragraphs (a) and (b);
(e) produces, possesses, transports, imports into the United Republic exports, sells, purchases, uses or does any act or omits to do anything in respect of poppy straw, coca plants, coca leaves, opium poppy, cannabis, khat, such act or omission amounting to contravention of the provisions of this Act, commits an offence and upon conviction shall be liable to a fine of not less than twenty million shillings or to imprisonment for a term not exceeding thirty years or to both.

12.-(1) The Authority may, by regulations-
(a) permit and regulate:
   (i) cultivation or gathering of any portion of coca plant, production, possession, sale, purchase, transport, import into the United Republic, use or consumption of coca leaves only on the account of government;
   (ii) cultivation of opium poppy only on account of the Government;
   (iii) production and manufacture of opium and production of poppy straw;
   (iv) sale of opium and opium derivatives from Government factories for export from the United Republic or to manufacturing chemists;
   (v) manufacture of drugs other than prepared opium but not including manufacture of medicinal opium or any
preparation containing any manufactured drugs from materials which the maker is lawfully entitled to possess;
(vi) manufacture, possession, transport, sale, purchase, consumption or use of psychotropic substances; or
(vii) importation in the United Republic and transshipment of narcotic drugs and psychotropic substances;
(b) prescribe any other matter requisite to render effective the control by the Government over any of the matters specified in paragraph (a).

(2) Regulations made by the Authority may provide for regulating licensing, permits or otherwise the production, manufacture, possession, transport, import into and export from the United Republic, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any narcotic drug or psychotropic substances.

13. Notwithstanding anything to the contrary contained in any written law or contract, no narcotic drug, psychotropic substance or prohibited plant, shall be liable for detention or attachment by any person for the recovery of money under any order of a court or authority otherwise.

14. Any person in the United Republic shall not engage in or control any trade whereby narcotic drugs or psychotropic substances are obtained outside the United Republic or supplied to any person outside the United Republic except with the prior permission or authorisation of the Authority and subject to such conditions as may be imposed by the Authority.

15.-(1) Any person who-
(a) is found in possession or does an act or omits to do an act or any other thing in respect of narcotic drugs, psychotropic substances or preparation containing any manufactured drugs;
(b) trafficks in narcotic drug or psychotropic substance, commits an offence and upon conviction shall be liable to life imprisonment.
(2) Any person who produces, possesses, transports, exports,
imports into the United Republic, sales, purchases or does any act or omits to do anything in respect of drugs or substances not specified in the Schedule to this Act but have proved to have drug related effects, commits an offence, and upon conviction shall be liable to life imprisonment.

16. Any person who is found in possession of a machine, equipment, laboratory or any other utensil intended for preparation, production or manufacturing of narcotic drugs or psychotropic substances, commits an offence, and upon conviction, shall be liable to a fine of two hundred million shillings or imprisonment for a term of not less than twenty years and not exceeding forty years or both.

17. Any person who is found in possession of small quantity of any narcotic drug or psychotropic substance which is not for personal consumption commits an offence and upon conviction shall be liable to a fine of not exceeding ten million shillings or to imprisonment for a term of not exceeding five years or to both.

18.- (1) Subject to section 17, “small quantity” means any quantity which may by regulation published in the Gazette specified by the Minister.

(2) Where a person possesses a small quantity of narcotic drug or psychotropic substance, the burden of proving that it was intended for the personal consumption and not for sale or distribution shall be to that person.

19. A person who-
(a) smokes, inhales, sniffs, injects or otherwise uses any narcotic drug or psychotropic substance;
(b) without lawful and reasonable excuse, is found in any house, room or place used for smoking, inhaling, sniffing any narcotic drug or psychotropic substance; or
(c) is found in possession of any pipe or other utensil for use in connection with smoking, inhaling, sniffing or otherwise using opium, cannabis, heroin, cocaine or and other related substance, commits an offence, and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of three years or to both.
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20. A person who being the owner, occupier or person concerned with the management of any premise, enclosure or conveyance permits such a premise, enclosure or conveyance to be used for the purpose of preparation of psychotropic substance or for smoking, selling, injecting, inhaling or sniffing narcotic drug, commits an offence and upon conviction shall be liable to a fine of five million shillings or imprisonment for a term of three years or to both.

21. Any person who-
(a) administers a narcotic drug or psychotropic substance or causes or permits it to be administered except where an authorised person or a medical practitioner or dentist acting in his professional capacity and in accordance with the prevailing norms and standards or professional practice, authorised;
(b) adds a narcotic drug or psychotropic substance to a food or drink without the knowledge of the consumer; or
(c) sells, supplies or acquires a narcotic drug or psychotropic substance on presentation of prescription knowing or having reasons to believe that the prescription is forged, unlawfully obtained or acquired or was issued more than six months before presentation,
commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of thirty years or to both.

22. Any person licensed to cultivate opium poppy by the Government and illegally disposes of opium produced or any part of it commits an offence and upon conviction is liable to a fine of five million shillings or to imprisonment for a term of not exceeding thirty years or to both, and the court may, for reasons to be recorded in the judgment impose a fine of exceeding five million shillings if the offender repeat the offence.

23. Where a holder of a licence, permit or other kind of authorisation granted in accordance with the provisions of this Act-
(a) omits, without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act;
(b) fails to produce without any reasonable cause, to maintain accounts or to submit returns in accordance with this Act;
(c) keeps any accounts or makes any statement which is false or
which he knows or has reason to believe to be incorrect; or
(d) wilfully does any act in breach of any of the conditions of the
licence, permit or authorisation for which a penalty is provided
in this Act,
commits an offence and upon conviction is liable to a fine of five million
shillings or to imprisonment for a term of thirty years or to both.

24. Any person who knowingly directly or indirectly finances
activities specified in section 15 or harbours any person engaged in such
activities, commits an offence and upon conviction is liable to a fine of not
less than two hundred million shillings or to imprisonment for a term of
not less than thirty years or to both.

25. Notwithstanding anything contained in any other written laws,
any person who-
(a) conspires with another person to commit;
(b) solicits, incites, aids, conceals or attempts to solicit, incite, aid,
abet or conceal any other person to commit;
(c) causes, procures or attempts to cause or procure the
commission of an offence under this Act;
(d) is otherwise directly or indirectly concerned in the commission
of an offence under this Act,
may be charged with in all respects as if he were the principal offender.

26. Where a person attempts to do or omits to do anything which
constitutes an offence under this Part and from the circumstances of the
case it may be reasonably inferred that he intended to carry out the
intention to commit an offence but was prevented by circumstances
independent of his will, that person shall be liable to imprisonment for a
term of not less than the half of the maximum term of imprisonment with
which he would have been punishable in the event of his having
committed such offence, with fine of not less than half of the maximum
amount of fine which that person would have been punished, had that
person committed the offence.

27.-(1) Any person who is convicted an offence under this Act,
upon conviction is liable for the second and every subsequent offence to
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fine of ten million shillings or to imprisonment for life.

(2) Where a person is convicted for offence under sections 20, 21 and 26 by the competent court outside the United Republic under any law corresponding to the provisions of our law that person in respect of the conviction, shall be dealt with for the purpose of subsection (1), as if he was convicted by a court in the United Republic.

28. Any person who contravenes any provision of this Act or any condition of a licence, permit or authorisation issued under this Act, for which no punishment is specifically provided in this Part shall, upon conviction be liable to a fine of not more than five million shillings or to imprisonment for a term of not more than thirty years or to both.

29.- (1) In prosecution for an offence of possessing, dealing in, trafficking, selling, cultivating, purchasing, using or financing of any narcotic or psychotropic substance, the burden of proof that the narcotic or psychotropic substance, was possessed, dealt in, trafficked, sold, cultivated, purchased, used or financed pursuant to in accordance with the terms of a licence, permit or authority granted under this Act or Regulations shall lie on the person charged.

(2) Notwithstanding the provisions of subsection (1), it shall be a defence for a person charged for an offence involving possession of narcotic or psychotropic substance to prove to the satisfaction of the court that the possession of such narcotic or psychotropic substance was, considering all circumstances of the case, not conscionable.

30.- (1) A police officer incharge of a police station or an officer of the Authority or a court before which an accused is brought or appear shall not admit the accused person to bail if-

(a) that accused is charged of an offence involving trafficking in drugs, narcotics or psychotropic substances but does not include a person charged for an offence being in possession of drug which taking into account or circumstances in which the offence was committed was not meant for conveyance or commercial purpose;

(b) that accused is charged of an offence involving trafficking of Amphetamine Type Stimulant (ATS), heroin, cocaine, mandrax, morphine, ecstasy, cannabis resin, prepared opium and any other manufactured drug weighing from 200 g and
(c) that accused is charged of an offence involving trafficking of cannabis sativa, khat and any other prohibited plant weighing one hundred kilogramme or more.

(2) The conditions on granting bail specified in section 148 of the Criminal Procedure Act, shall apply *mutatis mutandis* to all bailable offences under this Act.

31.- (1) Where an offence is committed under this Act by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to have committed an offence and shall be liable to be proceeded against and punished accordingly.

(2) Nothing in subsection (1) shall render a person liable for punishment, if the person proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(3) Notwithstanding subsection (2), where any offence under this Part is committed by a company and it is proved that the offence was committed with consent or connivance of, or is attributed to any negligence on part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall be proceeded against and punished and the company be de-registered or confiscated.

32.- (1) Where an addict is convicted of an offence under section 19 and the court by which he is convicted is of the opinion regarding to—
(a) age, character, antecedents;
(b) physical or mental condition of the offender that it is expedient so to do,
notwithstanding anything contained in this Act or any other written law, the court may, instead of sentencing that person to imprisonment, upon his consent, direct that to be released for undergoing medical treatment for detoxification or de-addiction from a hospital or an institution maintained or recognised by the Government.

(2) Where the addict is released for undergoing medical treatment, he shall be required into a bond in the form prescribed by the Authority, with or without sureties, direct him to appear and furnish before the court
within a period not exceeding three months, a report regarding the result of medical treatment and, in the meantime, abstain from commission of any offence under this Part.

(3) Where the offender fails to comply with the condition for abstaining from commission of an offence after a release by the court to undergo medical treatment in accordance with subsection (2), the court may order the offender to appear before the court for sentencing.

PART IV
ARREST PROCEDURE

33.- (1) The officers of the Authority shall have powers of arrest, search, seizure and investigation in relation to offences under this Act.

(2) The provision of any law in force in the United Republic in relation to the general powers and duties of investigation, arrest, search and seizure by officers of the police, customs officer or any other person having powers of arrest, shall apply to this Act.

(3) Any such officer referred to under subsection (1), may at any time-

(a) enter into and search any building, conveyance, or place;
(b) in case of resistance, break, open any door or remove any obstacle to such entry;
(c) seize any drug or substance and all materials used in the manufacture of any other article, anything or conveyance which he has reason to believe to have committed any offence under this Act.

(4) Where an officer takes down any information or records grounds for arrest he shall immediately thereafter submit a copy of the information or record to his immediate superior.

(5) The provisions of this section shall apply in relation to the offences under Part III in relating to coca plants, khat, the opium poppy or cannabis plant and for this purpose references in those sections to narcotic drugs or psychotropic substance, shall be construed as including references to coca plant, the opium poppy and cannabis plant.

34. Where it is not possible to seize any goods including standing crop which are liable for confiscation, any officer authorised under section 33 may serve on the owner or person in possession of the goods, and order that he shall not remove, part with or otherwise deal with goods except
with the prior permission of such officer.

35. Every owner, occupier or a person concerned in the management of any land, premises or place, shall give immediate information to any officer of police or any officer of the departments mentioned in section 33 of all drug crops, any narcotic drug or psychotropic substance which may be illegally cultivated, produced or manufactured within his land, premises or place and every such holder who knowingly neglects to give such information, commits an offence, and upon conviction shall be liable to a fine of twenty million shillings or to imprisonment for a term of thirty years or to both.

36. Any officer empowered under this Act, may order attachment of any opium poppy, cannabis plant, khat coca plant or any other drug crop which he has reason to believe to have been illegally cultivated and may pass such order, including an order to destroy the crop, as he thinks fit.

37.- (1) The Authority may, having regard to the hazardous nature of any narcotic drug or psychotropic substance, vulnerability to theft, substitution, constraints of proper storage, space or other relevant considerations, by notice published in the Gazette, specify such narcotic drugs or psychotropic substance, disposed of such drug or substance and in such manner as the Authority may determine after following the specified procedure.

(2) Where any narcotic drug or psychotropic substance has been seized the officer seizing such drug or psychotropic substances shall prepare an inventory of such narcotic drug or psychotropic substance containing such details relating to-
(a) their description, quantity, mode of packing, marks, numbers;
(b) such other identifying particulars of the narcotic drugs or psychotropic substances;
(c) packing in which they are packed;
(d) country of origin; and
(e) other particulars as such officer may consider relevant to the identity of the narcotic drugs or psychotropic substances in any proceedings under this Act.

(3) An officer seizing such drug or psychotropic substance shall make an application, to any Magistrate having jurisdiction under this Act,
for the purpose of-
(a) certifying the correctness of the inventory so prepared;
(b) taking, in the presence of such magistrate, photographs of such
drugs or substances and certifying such photographs as true; or
(c) allowing to draw representative samples of such drugs or
substances, in the presence of such Magistrate and certifying
the correctness of any list of samples so drawn.

(4) Where an application is made under subsection (3), the
Magistrate shall as soon as practicable allow the application.

(5) Notwithstanding anything contained in the Evidence Act, or the
Criminal Procedure Act, every court trying an offence under this Act, shall
treat the inventory, the photographs of narcotic drugs or psychotropic
substances and any list of samples drawn under subsection (3) and
certified by a magistrate court as primary evidence in respect of such
offence.

38. A statement made and signed by a person before an officer
empowered under section 51 to investigate of offences, during and in the
course of an inquiry or proceedings by such officer, shall be relevant for
the purpose of proving in any prosecution for an offence under this Act,
the truth of the facts which it contains-
(a) where a person who made a statement is dead or cannot be
found, or is incapable of giving evidence, or is kept out of the
way by the adverse party, or whose presence cannot be
obtained without any amount of delay or expense which, under
the circumstances of the case, the court considers unreasonable; or
(b) where a person who made the statement is examined as a
witness in the case before a court,
and the court is of the opinion that, having regard to the circumstances of
the case, the statement shall be admitted in evidence in the interest of
justice.

39. In trials under this Act, it may be presumed, unless the
contrary is proven that the accused has committed an offence under Part III
in respect of-
(a) a narcotic drug or psychotropic substance;
(b) an opium poppy, cannabis plant, khat or coca plant growing on
any land which he has cultivated;
(c) an apparatus specially designed or any group of utensils specially adopted for the manufacture of any narcotic drug or psychotropic substance; or
(d) materials which have undergone any process towards the manufacture of a narcotic drug or psychotropic substance, or any residue of the materials from which a narcotic drug or psychotropic substance has been manufactured.

40.- (1) An officer authorised under section 45 shall take charge of articles and keep in safe custody, pending orders of a magistrate court and shall allow a seizing officer who may be deputed for purpose, to affix seal to such articles or take samples from them and samples so taken shall be sealed with the seal of the office of such officer.

(2) An officer who fails to comply with conditions relating to safe custody of seized articles or causes disappearance of such articles, commits an offence and upon conviction is liable to a fine of fifteen million shillings or to imprisonment for a term of five years or to both.

41. All officers specified under this Act to whom specific or general functions or powers have been conferred under this Act shall, upon a notice given or a request made, be legally bound to assist each other in carrying out the provisions of this Act.

42. Where any person makes any arrest or seizure under this Act, shall, within forty-eight hours after arrest or seizure make full report of particulars of such arrest or seizure to his immediate superior.

43.- (1) An officer who in exercise of powers conferred under this Act, and who-
(a) without reasonable grounds of suspicion, enters or searches or causes to be entered or searched any building, conveyance or place;
(b) unnecessarily seizes the property of any person on the pretence of seizing or searching for any narcotic drug or psychotropic substance or other article liable to be confiscated under this Act, or of seizing any document or article liable to be seized under this Act; or
(c) unreasonably detains, searches or arrests any person,
commits an offence and upon conviction is liable to a fine of not exceeding five hundred thousand shillings or to imprisonment for a term of three months or to both.

(2) A person who willfully or maliciously gives false information thereby causing arrest or search being made under this Act, commits an offence and upon conviction shall be liable to a fine of not exceeding five thousand shillings or to imprisonment for a term of three months or to both.

44.- (1) An officer changed with any duty by or under this Act-
(a) refuses to perform the duties of his office, unless he has lawful excuse for doing so;
(b) has been given the custody of any addict or any other person who has been charged with an offence under this Act;
(c) willfully aids or connives for the contravention of any provision of this Act,
commits an offence and upon conviction shall be liable to a fine of not exceeding five million shillings or to imprisonment for a term not more than six months or to both.

(2) The expression "officer" in this section includes a person employed in a hospital or institution maintained or recognised by the Government for providing de-addiction or detoxification treatment.

(3) A court shall not take cognizance of a offence under subsection (1) except on a complaint in writing made upon sanction of the Authority.

45.- (1) Where an offence under Part III has been committed, the narcotic drug, psychotropic substance, the opium poppy, coca plant, khat, cannabis plant, material, apparatus and utensils in respect of which such offence is committed shall be liable to confiscation.

(2) Any narcotic drug or psychotropic substance lawfully produced, imported into or exported from the United Republic, transported, manufactured, possessed, used, purchased or sold along with, or in addition to any narcotic drug or psychotropic substance which is liable for confiscation under subsection (1) and the receptacles, packages, coverings in which any narcotic drug or psychotropic substance, materials, apparatus or utensils liable to confiscation is found and the other contents of such receptacles or packages shall likewise be liable to confiscation.

(3) Any good used for concealing narcotic drug or psychotropic
substance which is liable to confiscation under this Act shall also be confiscated.

(4) Where a narcotic drug or psychotropic substance is sold by a person having knowledge or reason to believe that the drug or substance is liable to confiscation under this Act, proceeds of sale shall be confiscated.

46.- (1) In a trial for offences under this Act, whether the accused is convicted, acquitted or discharged, the court shall decide whether an article or anything seized is liable for confiscation.

(2) Where an article or anything appear to be liable for confiscation, and a person who committed the offence in connection therewith is not known or cannot be found, the court may on due process order the confiscation accordingly.

(3) An order for confiscation of an article or anything shall not be made until-

(a) the expiry of one month from the date of seizure;
(b) without hearing any person claiming the right; or
(c) without evidence if any, produced in respect of the claim.

(4) If an article or anything, other than a narcotic drug, psychotropic substance, the opium poppy, coca plant, khat or cannabis plant which is susceptible decay, or if the court is of the opinion that sale of such article or such other thing would be for the benefit of its owner, it may direct sale to be made.

(5) A person who claims right to property which has been confiscated under this Act, may appeal to the High Court against the order of confiscation.

47. Where a document-

(a) is produced or furnished by any person or seized from the custody or control of any person under this Act, or under any other written law; or
(b) is received from any place outside the United Republic, and is duly authenticated by such authority or person and in such manner as may be prescribed by the Authority, in the course of investigation of an offence under this Act, if such document is tendered in prosecution under this Act, in evidence against him or against any other person who is tried jointly with him, the court shall-

(i) admit the document in evidence, notwithstanding that
it is not duly stamped, if such document is otherwise admissible in evidence; and

(ii) in a case falling under paragraph (a) also presume, unless the contrary is proved, the truth of the contents of such document.

48.- (1) An officer who is authorised under this Act may, during the course of any enquiry in connection with the contravention of any provision of this Act-

(a) call for information from any person for the purpose of satisfying himself whether there has been any contravention of the provisions of this Act; and

(b) require any person to produce or deliver any document or thing useful or relevant to the inquiry.

(2) An officer acting in exercise of powers vested in him under any provision of this Act, shall not be compelled to say where he got piece of information as to the commission of an offence.

49.- (1) Arrest procedures and powers conferred on officers of the Authority under this Part shall be strictly applied.

(2) For purposes of subsection (1), an officer of the Authority and other enforcement organs who-

(a) arrests a suspect shall:

(i) actually touch or confine the body of the person arrested;

(ii) inform the person arrested grounds or reasons for arrest and substance of the offence he is suspected to have committed;

(iii) interrogate a person arrested about how he came about narcotic drugs or psychotropic substances;

(iv) require a person arrested to admit or deny the offence and, where necessary, procure a statement before a court magistrate;

(v) where a person arrested makes a statement admitting commission of offence, the statement is recorded and signed by the suspect or the person arrested;

(b) investigates an offence shall:

(i) personally go to the scene of crime to investigate and take stock of every article suspected to be used for
(ii) take every measure necessary for discovery and impound every article which may potentially be used as evidence;
(iii) examine orally every person acquainted with the facts and circumstances of the crime committed;
(iv) record in full in Kiswahili or in English or in any other language statement of a person arrested and witnesses;
(v) interpret to a person arrested in language he understand and such person shall be at liberty, add any statement to earlier statement;
(vi) procure his signature of person arrested against his statement immediately below the last line of recorded statement and allow another person in attendance to sign as witness to signature of a person arrested.

(c) searches for an article used or suspected to have been used in commission of an offence shall:
   (i) as soon as practicable, report the result of search to an immediate senior officer of the Authority;
   (ii) record and issue a receipt acknowledging seizure of an article;
   (iii) procure a signature of the owner or occupier of the premises where article seized were found and signature of a witness or witnesses to the search, if any;
   (iv) when the statement is against relationship between articles used and the person arrested, suggestion as to the owner of such article;
   (v) record any other statement as may be necessary within the circumstances.

(d) seizes an article used or suspected to have been used in commission of an offence shall:
   (i) procure presence of and take statements of persons who will testify on an article seized;
   (ii) record a statement of the arrested person relating to his relationship with article seized;
   (iii) evaluate and determine size, volume, quantity, quality and value or estimated value of article seized;
   (iv) keep safe custody of article seized from possible act of loss, theft, shrinkage, depreciation of quality or value.

(3) An officer of the Authority who abdicates duty to do or omits
to do an act and as a result of such omission, a person suspected or accused of commission of an offence relating to narcotic drug or psychotropic substances is not arrested or an offence for which he is charged of is improperly investigated shall be liable to disciplinary proceedings in addition to any criminal liability that may arise out of such abdication or omission.

PART V
FORFEITURE OF PROPERTY DERIVED FROM, OR USED IN ILLICIT TRAFFICKING

50.- (1) Subject to this Part, where any person is convicted for an offence under Part III, the property owned by him on the date of the conviction or acquired by him after that date, shall be forfeited to the Government in accordance with the provisions of the Proceeds of Crime Act.

(2) The provisions of subsection (1), shall apply to-
(a) a person who is convicted of an offence under this Act;
(b) a person who is convicted of a similar offence by a competent court of criminal jurisdiction outside the United Republic; and
(c) an associate of a person referred in paragraphs (a) and (b).

(3) For the purpose of this Part, unless the context requires otherwise, "associate" means-
(a) any individual who had been or is managing the affairs or keeping the accounts of the person convicted under this section;
(b) the trustee of any trust, where-
   (i) the trust is created by such person; or
   (ii) the value of the assets contributed by such person including the value of the assets, if any, contributed by him earlier to the trust amounts to not less than twenty percent of the value of the assets of the trust.

(4) A property shall not be forfeited under this Part if such property was acquired by a person to whom this Act applied before a period of five years from the date on which he was charged for an offence relating to illicit traffic.

(5) Where the authorised officer for reason in writing, considers that any property of such person is held on his behalf by any other person, the officer shall order such other person to deliver the property for the purpose of confiscation.
51.-(1) A person shall hold a property which is illegally acquired either by himself or through any other person on his behalf.

(2) Where a person holds illegally acquired property in contravention of subsection (1), such property shall be forfeited in accordance with the Proceeds of Crime Act.

52.-(1) The Authority may authorise any officer to inquire, investigate or conduct surveillance on any person or group of persons as it may consider necessary.

(2) An officer authorized by the Authority may, on receipt of information that any person to whom this Part applies is charged with any offence whether committed in the United Republic or outside, proceed to take all steps necessary for tracing and identifying any property illegally acquired.

(3) Where an officer in the cause of conducting an inquiry, investigation or surveillance under subsection (1), has reason to believe that any property in relation to which such inquiry, investigation or surveillance is being conducted is an illegally acquired and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Part, he may make an order for seizing such property.

(4) where it is not practicable to make order for seizure under subsection (3) the officer may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned

(5) If any property referred to in subsection (3) is transferred by any mode, such transfer shall, if the property is forfeited to the Authority be deemed to be void.

(6) An officer making an inquiry, investigation or surveillance may call upon the person concerned within a period of thirty days to indicate the sources of his income, earnings or assets out of which or by means of which acquired such property and to show cause why all or any of such properties should not be declared illegally acquired and forfeited to the Authority.

(7) If the person affected does not appear before the authorized
officer to present his case within the specified period, the officer may proceed to record findings on the basis of evidence available before him.

53. In any proceedings under this Part, the burden of proving that any property is not illegally acquired shall be on the person affected.

54.- (1) Where an authorised officer declares that any property is a subject of forfeiture to the Government and is a property to which only part of such property has been proved to the satisfaction of the officer that it has been illegally acquired, the officer may make an order giving an option to the person affected to pay, in lieu of property, a sum of money equal to the market value of the property.

(2) Any person aggrieved by any decision of an authorised officer may, within thirty days from the date of such decision, appeal to the High Court.

55.- (1) Where any property is declared forfeited to the Government or the person affected fails to pay the amount of money in lieu of any part of the property to be forfeited, the authorised officer may order the person affected or any other person who may be in possession of that property, to surrender or deliver possession thereof.

(2) Any person who refuses or fails to comply with an order made under subsection (1), commits an offence and the Authority may take possession of the property and may for that purpose use such force as may be necessary.

56.- (1) The Government of the United Republic may enter into an arrangement-

(a) with the Government of any other realisation country-

(i) for the recovery handing and property over of possession to the Government of the United Republic, of any property in respect of which forfeiture has been made and which is in country; or

(ii) tracing and preserving any property in the realisation country owned by or under the control of any person who has, or is suspected to have committed an offence under this Act; or
(b) on a reciprocal basis with the Government of any other country-
   (i) in respect of the recovery and handing over of possession to the Government of that country of any property in the United Republic which is confiscated by or forfeited to the Authority of that country in consequence of the Authority for any person of an offence against a corresponding law of that country; or
   (ii) for preserving any property in the United Republic owned by or under the control of any person who has, or is suspected to have, committed an offence against such corresponding law.

(2) Nothing in subsection (1) shall be construed as preventing the provision or obtaining assistance in criminal matters otherwise than as provided in the Mutual Assistance in Criminal Matters Act.

PART VI
THE FUND FOR DRUG CONTROL

57.- (1) The Authority shall, by notice published in the Gazette, constitute a Fund to be known as the Drugs Control Fund.

58. The source of funds for the Fund shall include-
   (a) a sum of money allocated by Parliament to the Fund;
   (b) the sale proceeds of any property forfeited under this Act;
   (c) any grants, gifts and donations that may be made by any person or institution;
   (d) any other money borrowed, received by or made available for the purposes of its functions.

(2) The Fund shall be used to meet the expenditure incurred in connection with the measures taken for combating illicit traffic or controlling abuse of narcotic drugs and psychotropic substances.

(3) The Commissioner-General shall be the authorisation officer of the Fund.

59. The Authority shall have its own budget for the administrative support of control of Drug and for the support of specific
activities, special events or initiatives, undertaken by administrative public offices and institutions, as well as organisations, and associations participating in the drug control activities.

60.- (1) The Authority shall keep books of accounts and maintain proper records of operations of the Fund in accordance with the acceptable account standard.

(2) The Authority shall, at the end of each financial year, have the accounts of the Fund audited by the Controller and Auditor-General.

(3) The Authority shall, submit to the Minister audited report and annual report containing detailed information regarding activities of the Fund during the previous year ending on the 30th June.

(4) Minister shall cause to be tabled to the National Assembly statement of audited accounts.

PART VII
GENERAL PROVISIONS

61. The Authority shall publish annual reports describing the National drug situation and it’s development as regards to the supply and demand of drugs, and formulating any proposal likely to promote drug control activities and such report shall be laid before the Parliament.

62. No suit, prosecution or other legal proceeding shall lie against the Authority or any officer of the Government or any other person exercising any powers or discharging any functions or performing any duties under this Act, for anything done in good faith or intended to be done under this Act or any Regulations or order made thereunder.

63. Where under this Act the Authority has been empowered to make Regulation, it may, while making the rules have regard to the provisions of Single Convention on Narcotic Drugs, 1961, Protocol of 1972 amending the said Convention and the Convention on Psychotropic Substances, 1971, United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted on 19th December 1988, and to the provisions of any other international convention relating to narcotic drugs or psychotropic substances to
The Drugs Control and Enforcement Act

which the United Republic becomes a party.

64.—(1) The Government may, establish as many centre as it thinks fit for identification, treatment, education, after-care, rehabilitation, social reintegration of addicts and for supply, subject to such conditions and in such manner as may be prescribed, by the Authority of any narcotic drugs and psychotropic substances to the addicts registered with the Government and to others where such supply is a medical necessity.

(2) The Authority may make Regulations for establishment, appointment, maintenance, management and superintendence of, and for supply of narcotic drugs and psychotropic substances from the centre referred to in subsection (1) and for the appointment, training, powers, duties and persons employed in such centre.

65. A civil court shall not entertain any suit or proceeding against any decision made or order passed by any officer or Authority under this Act on any of the following matters-

(a) withholding, refusal or cancellation of any licence for the cultivation of the opium poppy;

(b) weighment, examination and classification according to the quality and consistence of opium and any deductions from, or addition to, the standard price made in accordance with such examination;

(c) confiscation of opium found to be adulterated with any foreign substance.

66. The Authority may give directions as it may deem necessary to any department of the Government regarding the carrying into execution of the provisions of this Act, and that department shall comply with such directions.

67. The Authority may, by notice published in the Gazette, delegate, subject to such conditions and limitations as may be specified in the notice, such of its powers and functions under this Act except the power to make regulations as it may deem necessary or expedient, to any other authority or the Commissioner-General.

68.—(1) Subject to the other provisions of this Act, the Minister
Minister to make Regulations may, by notice published in the *Gazette*, make regulations for carrying out the purposes of this Act.

(2) Without prejudice to the generality to the provisions of subsection(1) the Regulations may provide for the following matters:
(a) the method by which percentages in the case of liquid preparations shall be calculated;
(b) the form of bond to be executed for release of an adult convict for medical treatment under section 32 (1) and the bond to be executed by such convict before his release after the due admonition under section 32(2);
(c) the Authority or the person by whom and the manner in which a document received from any place outside the United Republic shall be authenticated;
(d) the manner in which and the conditions subject to which properties confiscated or forfeited shall be managed;
(e) the disposal of all articles or things confiscated under this Act;
(f) the drawing of samples and testing and analysis of such samples;
(g) the rewards to be paid to the officers, informers and other persons;
(h) the conditions and the manner in which narcotic drugs and psychotropic substances may be supplied for medical necessity to the addicts registered with the Government and to others subject to the provisions of this Act;
(i) any other matter as the Minister may prescribe.

Application of the *Customs* (Management and Tariff) Act, Cap. 403

69.- (1) All prohibitions and restrictions imposed by or under this Act on the import into the United Republic, the export from the United Republic and transshipment of narcotic drugs and psychotropic substances shall be deemed to be prohibitions and restrictions imposed by or under the *Customs* (Management and Tariff) Act, and the provisions of that Act shall apply accordingly.

(2) Where the doing of anything is an offence punishable under the *Customs* (Management and Tariff) Act, and under this Act, nothing in that Act shall prevent the offender from being punished under this Act.

70.- (1) The *Drugs and Prevention of Illicit Traffic in Drugs Act*
Cap. 95

is hereby repealed.

(2) Notwithstanding the repeal, anything done or any action taken or purported to have been done or taken under any of the enactments repealed by subsection (1) shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

(3) Nothing in this Act or regulations made thereunder shall affect the validity of any act for the time being in force, or of any rule made thereunder which imposes any restriction or provides for punishment which is not imposed by this Act or imposes restriction on a punishment which is greater in degree than a corresponding restriction imposed by or a corresponding provision under this Act for the cultivation of cannabis plant, consumption or trafficking in narcotic drug or psychotropic substance.

FIRST SCHEDULE

LIST OF NARCOTIC DRUGS INCLUDED IN SCHEDULE I TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

(Made under section 2)

Acetorphine (3-O-acetyl-tetrahydro-7-β-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)

Acetyl-alpha-methylfentanyl (N-[1-(a-methylphenethyl)-4-piperidyl]acetanilide)

Acetylmethadol (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

Alfentanil (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidiny]-N-phenylpropanamide

Allylprodine (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)

Alphacetylmethadol (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)

Alphameprodine (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

Alphamethadol (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)

Alpha-methylfentanyl (N-[1-(a-methylphenethyl)-4-piperidyl]propionilide)
Alpha-methylthiofentanyl (N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
Alphaprodine (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Anileridine (1-para-aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Benzethidine (1-(2-benzylxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Benzylmorphine (benzylmorphine)
Betacetylmethadol (beta-3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
Beta-hydroxyfentanyl (N-[1-(beta-hydroxyphenethyl)-4-piperidyl]propionanilide)
Beta-hydroxy-3-methylfentantyl (N-[1-(beta-hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide)
Betameprodine (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
Betamethadol (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)
Betaprodine (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
Bezitramide (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl)-piperidine)
Cannabis (Indian Hemp) and cannabis resin (resin of Indian Hemp)
Catha edulis (khat)
Clonitazene (2-para-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
Coca Leaf
Cocaine (methyl ester of benzoylecgonine)
Codoxime (dihydrocodeinone-6-carboxymethyloxime)
Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)
Desomorphine (dihydrodeoxymorphine)
Dextromoramide ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]-morpholine)
Diampromide (N-[2-(methylphenethylamino)-propyl]propionanilide)
Diethylthiambutene (diethylamino-1,1-di-(2-thienyl)-1-butene)
Difenoxin (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)

Dihydromorphine

Dimenoxadol (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

Dimepheptanol (6-dimethylamino-4,4-diphenyl-3-heptanol)

Dimethylthiambutene (dimethylamino-1,1-di-(2-thienyl)-1-butene)

Dioxaphetyl butyrate (ethyl-4-morpholino-2,2-diphenylbutyrate)

Diphenoxylate (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Dipipanone (4,4-diphenyl-6-piperidine-3-heptanone)

Drotebanol (3,4-dimethoxy-17-methylmorphinan-6β,14-diol)

Ectonine, its esters and derivatives, which are convertible to ecgonine and cocaine

Ethylmethylthiambutene (3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene)

Etonitazene (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)

Etorphine (tetrahydro-7β-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine)

Etoxeridine (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Fentanyl (1-phenethyl-4-N-propionylanilinopiperidine)

Furethidine (1-(2-tetrahydrofurfurxyethethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

Heroin (diacetylmorphine)

Hydrocodone (dihydrocodeinone)

Hydromorphinol (14-hydroxydihydromorphine)

Hydroxypethidine (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)

Isomethadone (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)

Ketobemidone (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)

Levomethorphan ((−)-3-methoxy-N-methylmorphinan)
The Drugs Control and Enforcement Act

Levomoramide ((-)4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]morpholine)
Levophenacylmorphan ((-)3-hydroxy-N-phenacylmorphinan)
Levorphanol ((-)3-hydroxy-N-methylmorphinan)
Metazocine (2'-hydroxy-2,5,9-trimethyl-6,7-benzomoran)
Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone)
Methadone intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)
Methyldesorphine (6-methyl-delta-6-deoxymorphine)
Methyldihydromorphine (6-methyl-dihydromorphine)
3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl)propionanilide)
3-methylthiofentanyl (N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
Metopon (5-methyldihydromorphinone) Mirungi
Moramide intermediate (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)
Morpheridine (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Morphine
Morphine methobromide and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-oxide
Morphine-N-Oxide
MPPP (1-methyl-4-phenyl-4-piperidinol propionate ester)
Myrophine (myristylbenzylmorphine)
Nicomorphine (3,6-dinicotinylmorphine)
Noracymethadol ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane)
Norlevorphenol ((-)3-hydroxymorphinan)
Normethadone (dimethylamino-4,4-diphenyl-3-hexanone)
Normorphine (demethylmorphine) or (N-demethylated morphine)
Norpipanone (4,4-diphenyl-6-piperidino-3-hexanone)
Oxycodone (hydroxydihydrocodeinone)
Oxymorphone (14-hydroxydihydromorphinone)
Para-fluorofentanyl (4'-fluoro-N-(1-phenethyl-4-piperidyl)propionanilide)
PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate ester)
Pethidine (1-methyl-phenylpiperidine-1-carboxylic acid ethyl ester)
Pethidine intermediate A (4-cyano-1-methyl-4-phenylpiperidine)
Pethidine intermediate B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
Pethidine intermediate C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
Phenadoxone (6-morpholino-4,4-diphenyl-3-heptanone)
Phenampromide (N-(1-methyl-2-piperidinoethyl)-propionanilide)
Phenazocine (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
Phenomorphan (3-hydroxy-N-phenethylmorphinan)
Phenoperidine (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
Piminodine (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
Piritramide (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
Proheptazine (1,3-dimethyl-4-phenyl-4-propionoxyzacycloheptane)
Properidine (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
Racemethorphan ((±)-3-methoxy-N-methylmorphinan)
Racemoramide ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)
Racemorphan ((±)-3-hydroxy-N-methylmorphinan)
Sufentanil (N-[4-(methoxymethyl)-1-[2-(2-thienyl)-ethyl]-4-piperidyl]propionanilide)
The Drugs Control and Enforcement Act

Thebacon (acetyldihydrocodeinone)

Thebaine

Thiofentanyl (N-(1-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)

Tilidine ((±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)

Trimeperidine (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine); and

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

LIST OF NARCOTIC DRUGS INCLUDED IN SCHEDULE II TO THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Acetyldihydrocodeine
Codeine (3-methylmorphine)
Dextropropoxyphene (a -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol propionate)
Dihydrocodeine

Ethylmorphine (3-ethylmorphine)

Nicocodine (6-nicotinylcodeine)

Nicodicodine (6-nicotinylidihydrocodeine)

Norcodeine (N-demethylcodeine)

Pholcodeine (morphinylethylmorphine)

Propiram (N-(1-methyl-2-piperidinoethyl)-N-2-pyridylpropionamide)

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.
LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE I TO THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

Note: The names printed in capital in the left-hand column are the International Non-proprietary Names (INN). Other non-proprietary or trivial names also given where no INN has yet been recommended or when such names are commonly applied to the substances. Also under international control are the salts of the substances listed in this Schedule, whenever the existence of such salts is possible.

<table>
<thead>
<tr>
<th>INN</th>
<th>Other Non-proprietary Or trivial names</th>
<th>Chemical name</th>
</tr>
</thead>
<tbody>
<tr>
<td>BROLOMAMFETAMINE</td>
<td>DOB</td>
<td>(±)-4-bromo-2,5-dimethoxy-a methylphenethylamine</td>
</tr>
<tr>
<td>CATHINONE</td>
<td>DET</td>
<td>(-)-(S)-2-aminopropiophenone</td>
</tr>
<tr>
<td></td>
<td>DMA</td>
<td>(±)-2,5-dimethoxy-aethyl indole</td>
</tr>
<tr>
<td></td>
<td>DMHP</td>
<td>3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-H-dibenzol[b,d]pyran-ol</td>
</tr>
<tr>
<td></td>
<td>DMT</td>
<td>3-[2-(dimethylamino)ethyl] indole</td>
</tr>
<tr>
<td></td>
<td>DOET</td>
<td>(±)-4-ethyl-2,5-dimethoxy-a-phenethylamine</td>
</tr>
<tr>
<td>ETICYLIDINE (+)-LYSERYGINE</td>
<td>PCE</td>
<td>N-ethyl-1-phenylcyclohexylamine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LSD, LSD-25 9,10-didehydro-diethyl-6-methylergoline</td>
</tr>
<tr>
<td></td>
<td>N,N-MDMA</td>
<td>(±)-N,a-dimethyl-3,4-(methylenedioxy)phenethylamine</td>
</tr>
<tr>
<td></td>
<td>mescaline</td>
<td>3,4,5-trimethoxyphenethylamine</td>
</tr>
<tr>
<td></td>
<td>4-methylaminorex</td>
<td>(±)-cis-2-amino-4-methyl-5(phenyl-2-oxazoline)</td>
</tr>
<tr>
<td></td>
<td>MMDA</td>
<td>2-methoxy-a-methy-4,5-(methylenedioxy)phenethylamine</td>
</tr>
<tr>
<td></td>
<td>N-ethyl MDA</td>
<td>(±)-N ethyl-a-methyl-3,4-(methylenedioxy)phenethylamine</td>
</tr>
<tr>
<td>Substance</td>
<td>Formula and Description</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>N-hydroxy MDA</td>
<td>(±)-N-{a-methyl-3,4-methylenedioxy phenethyl}hydroxylamine</td>
<td></td>
</tr>
<tr>
<td>Parahexyl</td>
<td>3-hexyl-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[(b,d)]pyran-1-ol</td>
<td></td>
</tr>
<tr>
<td>PSILOCYBINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PMA</td>
<td>p-methoxy-amethylphenethylamine</td>
<td></td>
</tr>
<tr>
<td>Psilocine</td>
<td>3-{2-(dimethylamino)ethyl}indo-4-ol dihydrogen phosphate</td>
<td></td>
</tr>
<tr>
<td>Psilotsin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLICYCLIDINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHP, PCPY</td>
<td>1-(1-phenylcyclohexyl)pyrrolidine</td>
<td></td>
</tr>
<tr>
<td>STP, DOM</td>
<td>2,5-dimethoxy-_4- dimethylphenethylamine</td>
<td></td>
</tr>
<tr>
<td>TENAMFETAMINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TENOCYCLIDINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MDA</td>
<td>3,4-methyl-3,4-thylenedioxy)phenethylamine</td>
<td></td>
</tr>
<tr>
<td>TCP</td>
<td>1-[1-(2-thienyl)cyclohexyl]piperidine</td>
<td></td>
</tr>
<tr>
<td>tetrahydrocannabinol, the following isomers and their stereochemical variants:</td>
<td>7,8,9,10-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[(b,d)]pyran-1-ol (9R,10aR)-8,9,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[(b,d)]pyran-1-ol (6aR,9R,10aR)-6a,9,10,10a-tetrahydro-6,6,9,9-trimethyl-3-pentyl-6H-dibenzo[(b,d)]pyran-1-ol (6aR,10aR)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[(b,d)]pyran-1-ol 6a,7,8,9-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[(b,d)]pyran-1-ol (6aR,10aR)-6a,7,8,9,10,10a-hexahydro-6,6-</td>
<td></td>
</tr>
</tbody>
</table>
LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE II TO THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

<table>
<thead>
<tr>
<th>INN</th>
<th>Other non-proprietary or trivial name</th>
<th>Chemical name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMFETAMINE</td>
<td>amphetamine</td>
<td>(±)- a -methylphenethylamine</td>
</tr>
<tr>
<td>DEXAMFETAMINE</td>
<td>dexamphetamine</td>
<td>(+)- _-methylphenethylamine 7-[2-{( a -methylphenethyl)amino]ethyl]theophylline</td>
</tr>
<tr>
<td>FENETHYLLINE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEVAMFETAMINE</td>
<td>levamphetamine</td>
<td>(±)-N, a -dimethylphenethylamine 3-(o-chlorophenyl)-2-methyl-4(3H)-quinazolinone</td>
</tr>
<tr>
<td>MECLOQUALONE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>METHAMFETAMINE</td>
<td>methamphetamine</td>
<td>Quinazolinone</td>
</tr>
<tr>
<td>RACEMATE</td>
<td>methamphetamine racemate</td>
<td></td>
</tr>
<tr>
<td>METHAQUALONE</td>
<td>Mandrax</td>
<td>(±)-N, a -dimethylphenethylamine 2-methyl-3-o-tolyl-4(3H)-quinazolinone</td>
</tr>
<tr>
<td>METHYLPHENIDATE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHENCYCLIDINE</td>
<td>PCP</td>
<td>Methyl a -phenyl-2-piperidine racetate</td>
</tr>
<tr>
<td>PHENMETRAZINE</td>
<td></td>
<td>1-(1-phenylcyclohexyl)piperidine</td>
</tr>
<tr>
<td>SECOBARBITAL</td>
<td></td>
<td>3-methyl-2-phenylmorpholine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5-allyl-5-(1-methylbutyl)barbituric acid</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(6a R, 10aR)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl -6H-dibenzo[b,d]</td>
</tr>
</tbody>
</table>
LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE III TO THE
CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

<table>
<thead>
<tr>
<th>Substance</th>
<th>Chemicals name</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMOBARBITAL</td>
<td>5-ethyl-5-isopentylbarbituric acid</td>
</tr>
<tr>
<td>BUPRENORPHINE</td>
<td>21-cyclopropyl-7- a [(S)-1-hydroxy-1,2,2,trimethylpropyl]-6,14-endoeethano-6,7,8,14-tetrahydro-oripavine</td>
</tr>
<tr>
<td>BUTALBITAL</td>
<td>5-allyl-5-isobutylbarbituric acid</td>
</tr>
<tr>
<td>CATHINE</td>
<td>(+)-(R)-a-[(R)-1-aminoethyl] benzyl alcohol</td>
</tr>
<tr>
<td>CYCLOBARBITAL</td>
<td>5-ethyl-5-[(1-cyclohexen-1-yl)-5-ethylbarbituric acid</td>
</tr>
<tr>
<td>GLUTETHIMIDE</td>
<td>2-ethyl-2-phenylglutarimide</td>
</tr>
<tr>
<td>PENTAZOCINE</td>
<td>(2R,6R,11R)-1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-(3-methyl-2-butyl)-2,6-methano-3-benzazocin-8-ol</td>
</tr>
<tr>
<td>PENTOBARBITAL</td>
<td>5-ethyl-5-(1-methylbutyl)barbituric acid</td>
</tr>
</tbody>
</table>

LIST OF PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE IV TO
THE CONVENTION ON PSYCHOTROPIC SUBSTANCES, 1971

<table>
<thead>
<tr>
<th>INN</th>
<th>Other Non-proprietary Or trivial names</th>
<th>Chemicals name</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALLOBARBITAL</td>
<td></td>
<td>5,5-diallybarbituric acid</td>
</tr>
<tr>
<td>ALPRAZOLAM</td>
<td></td>
<td>8-chloro-1-methyl-6-phenyl-4H-s triazolo[4,3-a][1,4] benzodiazepine</td>
</tr>
<tr>
<td>AMFERPRAMONE</td>
<td></td>
<td>2-(diethylamino)propiophenone</td>
</tr>
<tr>
<td>BARBITAL</td>
<td>benzphetamine</td>
<td>5,5-diethylbarbituric acid</td>
</tr>
<tr>
<td>BENZFETAMI</td>
<td></td>
<td>N-benzyl-N,a-dimethylphenetethylamine</td>
</tr>
<tr>
<td>BROMAZEPAM</td>
<td></td>
<td>7-bromo-1,3-dihydro-5-(2-pyridyl)-2H-1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>BUTOBARBITAL</td>
<td>butobarbital</td>
<td>5-butyl-5-ethylbarbituric acid</td>
</tr>
</tbody>
</table>
CAMAZEPAM

7-chloro-1,3-disodro-3-hydroxy-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)

CHLORDIAZEPOXIDE

5-phenyl-2H-1,4-benzodiazepin-2-one dimethylcarbamate (ester)

CLOBAZAM

CLONAZEPAM

7-chloro-2-(methylamino)-5-phenyl-3H-1,4-benzodiazepin-4-oxide

CLORAZEPATE

7-chloro-1-methyl-5-phenyl-1H-1,5-benzodiazepin-2,4(3H,5H)-dione 5-(o-chlorophenyl)-1,3-dihydro-7-nitro-2H-

CLOTIAZEPAM

CLOXAZOLAM

1,4-benzodiazepin-2-one 7-chloro-2,3-dihydro-2-oxo-5-phenyl-1H-1,4-benzodiazepine-3-carboxylic acid

ELORAZEPAM

5-(o-chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2H-thieno[2,3-e]-1,4-diazepin-2-one

DIAZEPAM

ESTAZOLAM

10-chloro-11b-(o-chlorophenyl)-2,3,7,11btetrahydro-oxazolo[3,2-[1,4]benzodiazepin-6(5H)-one

ETHCHLORVYNOL

7-chloro-5-(o-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one

7-chloro-1,3-dihydro-1-methyl-5-phenyl-2H-1,4-benzodiazepin-2-one

8-chloro-6-phenyl-4H-s-triazolo[4,3-a][1,4]benzodiazepine

1-chloro-3-ethyl-1-penten-4-yne-3-ol

ETHINAMATE ETHYL

1-ethynylcyclohexanol carbamate
LOFLAZEPATE

ETILAMFETAMINE  N-ethylamphetamine

FENCAMFAMIN

FENPROPOREX

FLUDIAZEPAM

FLURAZEPAM

HALAZEPAM

HALOXAZOLAM

KETAZOLAM

LEFETAMINESPA

LOPRAZOLAM

LORAZEPAM

LORMETAZEPAM
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<table>
<thead>
<tr>
<th>Compound</th>
<th>Molecular Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAZINDOL</td>
<td>7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-2H,1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>MEDAZEPAM</td>
<td>7-chloro-5-(o-chlorophenyl)-1,3-dihydro-3-hydroxy-1-methyl-2H,1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>MEFENOREX</td>
<td></td>
</tr>
<tr>
<td>MEPROBAMATE</td>
<td>5-(p-chlorophenyl)-2,5-dihydro-3Himidazo[2, 1-a]isindol-5-ol</td>
</tr>
<tr>
<td>METHYPRYLON</td>
<td>7-chloro-2,3-dihydro-1-methyl-5-phenyl-1H,1,4-benzodiazepine</td>
</tr>
<tr>
<td>MIDAZOLAM</td>
<td>N-(3-chloropropyl)-a-methylphenethylamine</td>
</tr>
<tr>
<td>NIMETAZEPAM</td>
<td>2-methyl-2-propyl-1,3-propanedioldicarbamate</td>
</tr>
<tr>
<td>NITRAZEPAM</td>
<td>5-ethyl-1-methyl-5-phenylbarbituric acid</td>
</tr>
<tr>
<td>NORDAZEPAM</td>
<td>3,3-diethyl-5-methyl-2,4-piperidinedione</td>
</tr>
<tr>
<td>OXAZEPAM</td>
<td>8-chloro-6-(o-fluorophenyl)-1-methyl-4Himidazo[1,5-a][1,4]benzodiazepine</td>
</tr>
<tr>
<td>OXAZOLAM</td>
<td>1,3-dihydro-1-methyl-7-nitro-5-phenyl-2H,1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>PEMOLINE</td>
<td></td>
</tr>
<tr>
<td>PHENDIMETRAZINE</td>
<td>1,3-dihydro-7-nitro-5-phenyl-2H,1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>PHENOBARBITAL</td>
<td>7-chloro-1,3-dihydro-5-phenyl-2H,1,4-benzodiazepin-2-one</td>
</tr>
<tr>
<td>PHENTERMINE</td>
<td></td>
</tr>
<tr>
<td>PINAZEPAM</td>
<td>7-chloro-1,3-dihydro-3-hydroxy-5-</td>
</tr>
</tbody>
</table>
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PIPRADOL
phenyl-
2H-1,4-benzodiazepin-2-one

PRAZEPAM
10-chloro-2,3,7,11b-tetrahydro-2-
methyl-
11b-phenyloxazolo[3,2-
d][1,4]benzodiazepin-6(5H)-one

PROPYLEXEDRINE
2-amino-5-phenyl-2-oxazolin-4-one

PYROVALERONE
(+)-(2S,3S)-3,4-dimethyl-2-
phenylmorpholine

SECIBUTABARBITAL
5-amino-5-phenyl-4-oxazolidinone

TEMAZEPAM
5-ethyl-5-phenylbarbituric acid

TRIAZOLAM
a,a-dimethylphenethylamine

VINYLBITAL
7-chloro-1,3-dihydro-5-phenyl-1-(2-
propynyl)-2H-1,4-benzo-diazepin-2-one

a,a-diphenyl-2-piperidinemethanol

7-chloro-1-(cyclopylmethyl)-1,3-
dihydro-5-
phenyl-2H-1,4-benzodiazepin-2-one

N,a-dimethylcyclohexane ethylamine

4'-methyl-2-(1-
pyrrolidinyl)valerophenone
5-sec-butyl-5-ethylbarbituric acid
7-chloro-1,3-dihydro-3-hydroxy-1-
methyl-
5-phenyl-2H-1,4-benzodiazepin-2-one

7-chloro-5-(1-cyclohexen-1-yl)-
1,3dihydro-
1-methyl-2H-1,4-benzodiazepin-2-one

8-chloro-6-(o-chlorophenyl)-1-
methyl-4H-striazolo[4,3-a]
[1,4]benzodiazepine
5-(1-methylbutyl)-5-vinylbarbituric acid
SECOND SCHEDULE

(Made under section 2)

<table>
<thead>
<tr>
<th>TABLE I</th>
<th>TABLE II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ephedrine</td>
<td>Acetic anhydride</td>
</tr>
<tr>
<td>Ergometrine</td>
<td>Acetone</td>
</tr>
<tr>
<td>Ergotamine</td>
<td>Anthranilic acid</td>
</tr>
<tr>
<td>Lysergic acid</td>
<td>Ethyl ether</td>
</tr>
<tr>
<td>1-phenyl-2-propanone</td>
<td>Phertylacetic acid</td>
</tr>
<tr>
<td>Pseudoephedrine Piperidine</td>
<td></td>
</tr>
</tbody>
</table>

The salts of the substances listed in this Table whenever the existence of such salts is possible. The salts of the substances listed in this Table whenever the existence of such salts is possible.
THIRD SCHEDULE

PROHIBITED PLANTS

(Made under Section 2 .......) 

1. Cannabis
2. Coca bush.
3. Papaver somniferum (opium poppy).
4. Papaver setigerum.
OBJECTIVES AND REASONS

This Bill proposes for the enactment of the Drug Control and Enforcement Act, 2015. The purpose of the enactment is for the establishment of Drug Control Authority and Enforcement for the purpose of ensuring efficient and effective control of narcotic drugs and psychotropic substances and to repeal the Drugs and Prevention of Illicit Traffic Drugs Act.

The Bill is divided into Seven Parts.

Part I provides for short title, application and interpretation of words used in the Act.

Part II provides for establishment of the Drug Control and Enforcement Authority and provides for the functions of the Authority. It also provides for establishment of the National Drug Control Council which will oversee the implementation of the National Drug Control Policy. Apart from that, this Part also provides for appointment of Commissioner General who shall be the Chief Executive and accounting officer and Secretary to the National Drug Control Council. Furthermore this Part provides for the functions and powers of Commissioner General to the Authority and establishment of the Advisory Committee which shall have the duty to advice the Commissioner General on matters relating to the control of drugs.

Part III provides for prohibition of possession and trafficking of narcotic drugs and psychotropic substances and cultivation of certain plants. This part also makes restrictions on possession, trafficking, purchasing and manufacturing of narcotic drugs and impose penalty for person who violates this provisions. Furthermore, this Part impose penalty for a person who possess machines, equipment and laboratory used specific for production of narcotic drugs and psychotropic substances and also impose penalty to
persons who are financing direct or indirect any activities involved in illicit drug. Apart from that, this part impose penalties in respect of a person who is inhaling, sniffing or otherwise using narcotic drugs, if such person is found in a house, room or place using such drug or is found in possession of any pipe or other utensil which is used in inhaling, sniffing or otherwise using opium, cannabis, heroin, cocaine and other related substances. This Part also provides for penalty for owners or occupiers of any premises who have the tendency of permitting such premises to be used for purpose of preparing of psychotropic substance or for smoking, selling, injecting, inhaling or sniffing any narcotic drug according to the gravity of the offences.

Part IV provides for provisions for seizure of any good which is liable to confiscation while imposing penalty to the owners or persons who are in possession of goods obtained from narcotic drug. Furthermore, this part imposes obligation to the land owners to give information of crops which are illegally cultivated in his land, place and premises and impose penalty to such person if he knows and he refuses to give such information. Apart from that, it also provides for procedure of disposing narcotic drugs and psychotropic substances in such a manner as the Authority may from time to time determine.

Part V provides for forfeiture of property derived from illicit trafficking of drugs and make prohibition on holding illegally acquired property. It also provides for procedures for conducting inquiry or investigations to the property believed to be acquired illegally. Furthermore, this part also deals with the arrangement regarding to tracing, realization of property with the government of any other country and make provisions for recovery of property and the manner of how to handle over the possession of property acquired illegal to the Government of the United Republic.
Part VI deals with the establishment of the Fund for Control of Drug. It also provides the source of the money delivered to the Fund and explain on how the money of the Fund shall be administered. Furthermore, the Commissioner General has been given the power to manage and supervise the sources of the fund in connection to the combat ting of illicit trafficking and abuse of narcotic drugs and psychotropic substances.

Part VII provides for the general provisions and general matters including protection of action taken in good faith while performing drug control activities.

Also it gives power to the Minister to make Regulations and impose power to the Government on the establishment of centers as it think fit for identification, treatment, education, rehabilitation and social reintegration of persons who are addicted with the narcotic drugs and psychotropic substances.

Dar es Salaam, 27 October, 2014

MIZENGO K. PINDA
Prime Minister
SHERIA YA UDHBITI NA USIMAMIZI YA DAWA ZA KULEVYA YA MWAKA, 2014

MPANGILIO WA VIFUNGU

Kifungu    Kicha cha Habari

SEHEMU YA KWANZA
MASHARTI YA AWALI

1. Jina na tarehe ya kuanza kutumika.
2. Tafsiri.

SEHEMU YA PILI
UANZISHWAJI WA MAMLAKA KWA AJILI YA KURATIBU NA KUPAMBANA NA DAWA ZA KULEVYA

3. Uanzishwaji wa mamlaka.
5. Baraza la Taifa la Kudhibiti Dawa za Kulevya.
6. Uteuzi wa Kamishna Mkuu.
8. Watendaji wa mamlaka.
10. Wajibu wa kudhibiti dawa za kulevya.

SEHEMU YA TATU
KATAZO LA UMILIKI NA USAFIRISHAJI WA DAWA ZA KULEVYA ZA NAKOTIKI NA SAIKOTROPIKI PAMOJA NA KILIMO CHA MIMEA INAYOZALISHA DAWA ZA KULEVYA

11. Katazo la kilimo cha mimea inayozalisha dawa za kulevya.
12. Mamlaka kutoa idhini, kudhibiti na kusimamia kilimo, uzalishaji au uuzaji wa kasumba au majani ya koka.
15. Adhabu ya kumiliki, kusafirisha, kununua, kutengeneza dawa za nakotiki na saikotropiki.
16. Umiliki wa mashine, mitambo na maabara za kutengeneza dawa za nakotiki na saikotropiki.
17. Adhabu ya kumiliki kiasi kidogo cha dawa za kulevya ambacho si kwa matumizi binafsi.
19. Adhabu kuhusiana na kuvuta, kunusa au kutumia dawa za nakotiki.
20. Adhabu kwa mmiliki au msimamizi wa jengo.
22. Ubadhirifu kwa mkulima aliyeruhusiwa.
23. Kukiuka masharti ya leseni au kibali.
24. Kufadhili vitendo haramu.
25. Adhabu yakusaidia kutendeka kwa kosa.
26. Matayarisho au jaribio la kutenda kosa.
27. Kurudia kutenda kosa.
28. Adhabu kwa makosa ambayo adhabu zake hazijaainishwa kwenye Sheria hii.
29. Wajibu wa kuthibitisha kosa.
30. Makosa yasiyo na dhamana.
31. Makosa ya kampuni.
32. Kuachwa kwa baadhi ya watumiaji wa madawa kwa lengo la kupata tiba.

SEHEMU YA NNE
TARATIBU

33. Kutumika kwa sheria ya mwenendo wa makosa ya jinai na kuweka marerebisho muhimu.
34. Utaratibu wa kukamata ambapo utaifishaji hauwezekani.
35. Jukumu kwa wamiliki wa ardhi kutoa taarifa za mazao ya dawa za kulevya yaliyolimwa isivyo halali.
36. Mamalaka ya kushikilia mazao yaliyolimwa isivyo halali.
37. Mamalaka kuamuru baadhi ya dawa kuharibiwa.
38. Umuhimu wa maelezo katika mazingira fulani.
40. Afisa muidhiniwa kusimamia vitu vilivyokamatwa.
41. Wajibu wa maofisa kusaidiana.
42. Ukamataji na utaifishaji kutolewa taarifa ndani ya masaa aroabaini na nane.
43. Udanganyifu katika kutaifisha.
44. Afisa anayeshindwa kufanya kazi yake au kusaidia mhalifu.
The Drugs Control and Enforcement Act

45. Mamlaka ya kutaifisha kifaa au kitu kinachohusiana na kosa.
46. Utaifishaji kama mtu hajatiwa hatiani.
47. Nyaraka katika hali Fulani.
48. Mamlaka ya afisa muidhiniwa kupata taarifa.
49. Taratibu za ukamataji.

SEHEMU YA TANO
UFILISI WA MALI ZILIZOTOKANA NA AU KUTUMIKA KATIKA BIASHARA YA DAWA ZA KULEVYA

50. Ufilisi Wa Mali.
51. Katazo la kushikilia mali iliyopatiana kwa njia zisizo halali.
52. Mamlaka kuagiza kufanyika kwa uchunguzi au ukaguzi.
53. Wajibu wa kuthitisha kosa
54. Malipo mbadala.
55. Mamlaka ya kumiliki mali.
56. Utaratibu kuhusiana na ufuatiliaji, utambuzi wa mali.

SEHEMU YA SITA
MFUKO WA KUPAMBANNA NA DAWA ZA KULEVYA

57. Kuanzishwa kwa Mfuko.
58. Vyanzo vya mapato vya Mfuko.
59. Bajeti ya Mamlaka.
60. Vitabu vya mahesabu, kumbukumbu na taarifa za mwaka.

SEHEMU YA SABA
MASHARTI YA JUMLA

63. Mamlaka kuzingatia Mikataba ya Kimataifa wakati wa kutengeneza kanuni.
64. Mamlaka ya Serikali kuanzisha vituo vya tiba kwa watumiaji na kutoa dawa za nakotiki.
65. Ukomo wa mamlaka.
66. Uwezo wa Mamlaka kutoa maelekezo.
67. Mamlaka ya kukasimu.
68. Mamlaka ya Waziri kutengeneza Kanuni.
69. Matumizi ya Sheria ya Usimamizi ya matumizi ya Sheria ya Forodha.
70. Kufutwa kwa Sheria na kuruhusu baadhi ya masharti.
TAAARIFA

Muskwada huu utakaowasilishwa Bungeni umechapishwa kwa pamoja na Madhumuni na Sababu zake wa ajili ya kutoa taarifa kwa uma.

Dar es Salaam,
30 Oktoba, 2014

OMBENI Y. SEFUE
Katibu wa Baraza la Mawaziri

MUSWADA
wa

Sheria kwa ajili ya kuainisha masharti bora ya udhibiti wa madawa ya kulevya; kuanzishwa kwa Mamlaka ya Udhibiti na Usimamizi wa Madawa ya Kulevya kwa ajili ya Kuzuia na kupambana na dawa za kulevya na usafirishaji wa dawa za kulevya na kufuta Sheria ya Kuzuia Biashara Haramu ya Dawa za Kulevya na kuainisha masharti mengine yanayohusiana na hayo.

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA
MASHARTI YA UTANGULIZI

1.- (1) Sheria hii itajulikana kama Sheria ya Kuzuia na Kupambana na dawa za Kulevya ya mwaka 2014 na itaanza katika tarehe ambayo Waziri, kwa tangazo litakalochapishwa kwenye Gazeti la Serikali, atateua. 

(2) Sheria hii itatumika Tanzania Bara na vilevile Tanzania Zanzibar.

2. Katika Sheria hii, isipokuwa kama muktadha utahitaji vinginevyo: “mtumiaji “ maana yake ni mtu ambaye aliye katika hali ya:

(a) matumizi ya dawa za kulevya yanasababisha mtumiaji kutawaliwa na matumizi ya hizo dawa za kulevya, au kuwa na tabia ya kutafuta kutumia dawa za kulevya muda wote halinayodhikiriwa mtumiaji kutawaliwa na dawa hizo; na

(b) akisha kutumia dawa za kulevya huwa na dalili za kurukwa na akili,
kuwa na msongo wa mawazo au kuwa kichaa;
“Mamlaka” maana yake ni Mamlaka ya Kuzuia na Kupambana na Dawa za Kulevya kwa mujibu cha 3 cha Sheria hii;
“afisa muidhiniwa” maana yake ni mtu yeyote aliyepewa idhini ya kifungu cha 3 cha Sheria hii.
“bangi” maana yake ni sehemu yoyote ya mmea wa bangi ukiondoa mbegu, mti wa bangi uliokomaa, au nyuzi zinazotokana na bangi au bangi iliysindikwa;
“bangi ya mafuta” maana yake ni majimaji yoyote yaliyochanganyikana na kiasi chochote chama kemikali idhini ya kufanya kazi na kutimiza majukumu ya Mamlaka yaliyopo kwenye Sheria hii.
“bangi iliyosindikwa” maana yake ni utomvu ulitolewa kwenye mmea wa bangi na kusafishwa na baadae kusindikizwa.
“kemikali bashirifu” maana yake ni kemikali ambazo mara nyingi hutumika kutengeneza dawa za kulevya aina ya nakotiki na saikotropiki kama inavyoainishwa katika ibara ya 12 ya Mkataba wa Kimataifa wa Kuzuia Biashara ya Dawa za Kulevya na Saikotropiki kama zilivyo kwenye orodha ya I na ya II ya Jedwali la Pili la Sheria hii.
“jani la kokeini” maana yake ni-
(a) jani la mmea wa kokeini isipokuwa jani ambalo limetolewa kemikali zote zijuikanazo kama ecgonine kokeini na kemikali zozote za ecgonine”;
(b) mchanganyiko wowote uliochanganywa au utokanzishwa katika kifungu cha 17, 20, 21, 22, 23, 28 na 33 ni mahakama za chini.
“mmea wa kokeini” maana yake ni mmea wa asili yoyote ya jamii ya "erythroxylon";
“Baraza” maana yake ni Baraza la Kupambana na dawa za kulevya kama linavyoainishwa na kifungu cha 5 cha sheriff hii.
“kulima” hujumuisha kupanda, kusambaza mbegu, kuchimbia, kuchanganya mbegu, kusaidia kwa namna yoyote ile au kuvuna.
“daktari wa meno” maana yake ni mtu yeyote mwenye utaalamu wa meno aliyeidhinishwa na mwenye leseni kwa ajili kuchunguza wagonjwa wa meno, kugundua tatizo la wagonjwa wa meno, kuwatibu, kuwapatia dawa na maelekezo ya jinsi ya kutumia dawa kwa mujibu wa Sheria ya Madaktari wa Kawaida la Madaktari wa Meno.
“dawa” maana yake ni dawa za kuevya aina ya nakotiki na saikotropiki kama inavyoainishwa kwenye Jedwali la Kwanza la sheria hii; “export” utoaji nje ya Jamhuri ya Muungano hata ikiwa na mabadiliko na likifanana na maana ya neno jingine, na maana ya kutoa kutoka Jamhuri ya Muungano na kupeleka nje ya Jamhuriya Muungano; “usafirishaji haramu” kuhusiana na dawa za kulevya aina ya nakotiki na saikotropiki ina maana ya-
(a) kilimo cha mmea wowote wa kokeini au kukusanya sehemu yoyote ya mmea wa koka;
(b) kilimo cha mbaruti afyuni au mmea wowote wa bangi;
(c) kujihusisha katika kuzalisha, kutengeneza, kumiliki, kuzaa, kununua, kusafirisha, kuhifadhi, kuficha, kutumia, kuajibana, kutumia, kuingiza ndani ya Jamhuri ya Muungano, kusafirisha nje ya Jamhuri ya Muungano au usafirishaji kwa njia ya maji kwa kutumia vyombo vya majini kwa dawa za kulevya aina ya nakotiki au saikotropiki;
(d) kujihusisha na shughuli zozote zinazohusiana na dawa za kulevya aina ya nakotiki na saikotropiki;
(e) kusimamia au kukodisha sehemu au eneo lolote la jengo, au mahali kwa ajili ya kuendeshia shughuli zinazohusiana na dawa za kulevya, isipokuwa zile zilizoruhusiwa chini ya Sheria hii, au kuendesha na masharti ya leseni, au kwa makubaliano au idhini iliyotolewa, na

(i) ufadhili wa kifedha wa moja kwa moja ama usio wa moja kwa moja, shughuli yoyote iliyojijishwa hapo juu;
(ii) kusaidia au kula njama katika kufanikisha au kuungana mkono kufanyika kwa shughuli yoyote iliyojijishwa hapo juu; na
(iii) hifadhi mu anayejihusisha kwenye shughuli tajwa
“uingizaji ndani ya Jamhuri ya Muungano” hata likwi na mabadiliko na likifanana na maana ya neno jingine, ina maana ya kuingiza ndani ya Jamhuri ya Muungano kutoka nje ya Jamhuri ya Muungano na inajumuisha kuleta kwenye bandari yoyote au viwanja vya ndege au katika eneo lolote la Jamhuri ya Muungano dawa za kulevya aina ya nakotiki au saikotropiki zilizo kusudiwa kupeleka nje ya Jamhuri ya Muungano bila ya dawa hizo kutolewa kwenye chombo, ndege, gari au
kitu chochote kitembeacho kilichobeba dawa hizo;

“mkataba wa Kimataifa” inamaanishia-
(a) Mkataba wa Kupambana na Dawa za Kulevyva aina ya Nakotiki wa mwaka 1961, uliopitishwa na Mkutano wa Umoja wa Mataifa uliofanyika New York Machi, 1961;
(b) azimio la kurekebisha Mkataba uliotajwa katika aya ndogo ya (a), uliopitishwa na Mkutano wa Umoja wa Mataifa Geneva Machi, 1972;
(c) Mkataba wa Umoja wa Mataifa wa Kupambana na Dawa za Kulevyva aina ya saikotropiki, wa mwaka 1971, uliopitishwa na Mkutano wa Umoja wa Mataifa Vienna Februari 1971; na
(d) Mkataba wa Umoja wa Mataifa wa kudhibiti Biashara ya Dawa za Kulevyva aina ya Nakotiki na saikotropiki, uliopitishwa Vienna Desemba 19, 1988; na
(e) Mkataba wowote wa Kimataifa au Azimio au hati nyingine zinazorekebisha Mkataba wa Kimataifa, unaohusiana na dawa za kulevyva aina ya nakotiki au saikotropiki, ambao unaweza kuridhiwa au kukubaliwa na Jamhuri ya Muungano baada ya kuanza kutumika kwa Sheria hii.

“mirungi” maana yake ni majani na vitawi vichanga vya mmea wa mrungi, wenye asili ya jamii ya mmea ya familia ya “celastraceae”;
“utengenezaji” kuhusiana na dawa za kulevyva aina ya nakotiki au saikotropiki, hujumuisha-
(a) hatua zote za utengenezaji isipokuwa unaohusisha uzalishaji ambao unaweza kusababisha uzalishaji wa dawa za kulevyva;
(b) kusafisha dawa za kulevyva ili ziwe na thamani;
(c) kuzibadilisha dawa za kulevyva kutoka hali moja hadi nyingine;
(d) kutengeneza dawa za tiba zenye mchanganyiko wa dawa za tiba zenye madhara ya kulevyva bila maelekezo ya kitaalam au ushauri wa daktari;
“dawa za kulevyva zilizotengenezwa viwandani” hujumuisha-
(a) mazalia yote ya kokeini, dawa za tiba zinazo tengenezwa kutokana na bangi, mazalia kasumba na mimea ya kasumba halisi isiyokuwa na mchanganyiko wa kitu chochote;
(b) dawa yoyote aina ya nakotiki au iliyo tengenezwa ambayo Mamlaka inaweza kulingana na taarifa ilizonozo aina ya taarifa au maamuzi, kama yapo, chini ya Mkataba wa Kimataifa, kwa tangazo la Gazeti la Serikali, Mamlaka itatangaza kuwa ni dawa ya kulevyva iliyo tengenezwa;
“tabibu” maana yake ni daktari au daktari wa upasaji aliyeidhinishwa na mwenye lenesi ya kuchunguza, kugundua tatizo la mgonjwa, kutibu, kumwandikia mgonjwa dawa pamoja na kumpa maelekezo ya jinsi ya kuzitumia kwa mujibu wa Sheria ya Madaktari wa Kawaida na Madaktari wa meno;

“dawa ya tiba iliyotengenezwa kutokana na bangi” maana yake ni dawa iliyotengenezwa kutokana na mmea wa bangi;

“Waziri” maana yake ni Waziri anayeshughulikia udhibiti wa dawa za kulevya;

“dawa za kulevya aina ya nakotiki” maana yake ni dawa yoyote iliyoorodheshwa kwenye Jedwali au kitu chochote chenyen aina yoyote ya dawa iliyoorodheshwa katika Jedwali la Kwanza.

“kasumba” maana yake ni-
(a) utomvu wa mbaruti afyuni; na
(b) mchanganyiko wowote wa aina moja au wa aina mbalimbali za utomvu wa mibiriri afyuni, lakini haitahusisha mchanganyiko wenye kiasi cha mofini kisichozidi asilimia 0.2.

“mazalia ya kasumba” maana yake ni-
(a) dawa za tiba zilizotengenezwa kutokana na kasumba, ambayo imefanyiwa matengenezo ya kitaalam ya kuwezesha kutumika kwa ajili ya tiba kwa kuenda na matakwa ya Sheria ya Chakula, Dawa na Vipodozi, au kitu chochote chenyen asilimia ya kasumba kinachoweza kutumika kwa ajili ya tiba ambacho kimeidhinishwa na Serikali;
(b) kasumba iliyotengenezwa, au kitu chochote kilichotengenezwa kupitia hatua mbalimbali kwa lengo la kubadilisha kasumba kwenda kwenye kitu kinachoweza kutumika kwa njia ya kuvuta na mabaki mengine ya kasumba hutumiwa pia kwa njia ya kuvuta;
(c) kemikali za phenantrene, zijulikanazo kama morfini, kodeini baine na chumvi zitokanazo na kemikali hizo;
(d) iacetylmojini yaani kemikali ya alkaloid ambayo pia hujulikanza kama diamofini au heroini pamoja na chumvi yake; na
(e) utengezaji wowote unaohusisha mchanganyiko wa kiasi cha mofini kisichozidi asilimia 2 au yenye mchanganyiko wa kiasi chochote cha kemikali aina ya deacetylmofini.

“mbaruti afyuni” maana yake ni-
(a) mmea jamii ya papava somniferum L; na
(b) mmea wa jamii nyegine ya “papaver” ambapo kasumba au aina yoyote ya kemikali za “phenanthrene” zinaweza kutengenezwa kutokana na mmea huo na ni mmea ambao unaweza kutangazwa na Mamlaka kuwa ni mbaruti afyuni kupitia Gazeti la Serikali kwa

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mujibu wa Sheria hii;
“mahali” hujumuisha eneo la wazi, nyumba au eneo linalozunguka nyumba, magari, vyombo vya usafiri vya majini au ndege;
“mmea wa afyuni” maana yake ni sehemu zote za mmea wa afyuni isipokuwa mbegu za mbarutu afyuni baada ya kuvunwa, zikiwa nzima au zikiwa zimekatwa vipande, zikiwa zimepondwa au kusagwa au zikiwa zimebolewa au zikiwa bado hazijatolewa sharubati.
“utayarishaji” kuhusiana na dawa na za kulevya za nakotiki au saikotropiki, inamaanisha kilimanzi ya dawa moja au zaidi ya moja zikiwa katika mfumo wa dozi au myeyusho wowote, au mchanganyiko, ulio katika hali yoyote, ukiwa na dawa moja ya kulevya au zaidi ya dawa moja;
“uzalishaji” maana yake ni kutenganishia kasumba, mmea wa kasumba, majani ya koka, bangi au mirungi, kutoka kwenywi mmea yake;
“mmea iliopigwa marufuku” maana yake ni bangi, mmea ya mirungi, mmea yake ya koka, papaver sonniferum au mmea ya afyuni na mmea inayoujulikana kama papaver setigerum;
“saikotropiki” maana yake ni dawa yoyote ya kulevya ya asili au ya kutengenezwa au malighafi yoyote au chumvi yoyote au utayarishaji wa saikotropiki au kitu chochote kilichopo kwenywe orodha ya saikotropiki kama ilivyoinishwa kwenywe jedwali la kwanza.
“kuza” hujumuisha kuonyeshi nia ya kuza au kuza;
“supply” usambazaji inajumuisha upelekeaji, utumaji, usafirishaji, upo;
“usafirishaji” maana yake ni kutoa dawa za kulevya kutoka sehemu moja kwenda sehemu nyinge ya ndani ya Jamhuri ya Muungano;
“usafirishaji na dawa za kulevya”maana yake ni uingizaji, ununuaaji, uuzaji, usmbazaji, uhifadhi, usimamiaaji, uchukuaaji, upokeaaji, au usambazaji na dawa za kulevya aina ya nakotiki na saikotropiki au kitu chochote kitakachothibitika kuwa ni nakotiki au saikotropiki, utengenezaji wake ybaifanywa na mtu yeyote lakini haihusishisho:
(a) utengenezaji, ununuaaji, uuzaji, utoaji, usambazaji, usimamiaaji, upokeaaji, uenezaaji wa nakotiki na saikotropiki kwa mtu yeyote ambaye ana kwanza kwa mujibu wa Sheria hii;
(b) utengenezaji, ununuaaji, utoaji, usambazaji, usimamiaaji, uchukuaaji, uwasilishaji au uenezaaji wa dawa za kulevya aina yoyote ya nakotiki au saikotropiki au kuonesha nia ya kufanya biashara kwa niaba ya mwenye leneni chini ya Sheria;
(c) uuzaji au usambazaji au usimamiaaji wa dawa za tiba zenywe madhara ya kulevya, na kwa kuendana na matakiwanda ya Sheria hii, au daktari au daktari wa mifugo au wa meno au mtu yeyote mwenye utaalam wa
kufanya hivyo kwa maelekezo ya daktari wa kawaida, daktari wa mifugo au wa meno;
(d) uuzaji au usambazaji kuendana na matakwa ya Sheria hii kwa dawa za nakotiki au saikotropiki kunakofanywa na mfamasia anayetambulika kisheria;
(e) matumizi kuhusiana na dawa za kulevya aina ya nakotiki na saikotropiki inamaanisha dawa zilizoorodhewe kwenye jedwali la kwanza au kitu chochote chenyewe dawa za kulevya zilizopo kwenye Jedwali la Kwanza.

SEHEMU YA PILI
UANZISHWAJI WA MAMLAKA YA KUDHIBITI NA KUSIMAMIA DAWA ZA KULEVYA KWA AJILI YA KURATIBU NA KUPAMBANA NA DAWA ZA KULEVYA


4.- (1) Kazi za Mamlaka itakuwa ni kueleza, kuhamasisha, kuratibu na kutekeleza hatua zote zinazoelekezwa katika udhibiti wa dawa za kulevya, matumizi mabaya na biashara ya dawa za kulevya.
(2) Katika utekelezaji wa kazi za Mamlaka ya kudhibiti na usimamizi Dawa za Kulevya, Mamlaka itapaswa:
(a) kusimamia ukelelezaji wa mikataba ya kimataifa na maazimio na makubaliano kati ya nchi mbili au zaidi katika kudhibiti dawa za kulevya aina ya nakotiki na saikotropiki;
(b) kuendeleza na kutekeleza mpango wa Taifa wa Kudhibidi Dawa za Kulevya;
(c) kutengeneza miongozo inayoelezea tati za dawa za kulevya na madhara yake katika jamii;
(d) kuboresha na kurekebisha sheria na kanuni za udhibiti wa dawa za kulevya;
(e) kuhamasisha udhibiti wa matumizi na usafirishaji na dawa za kulevya ikiwemo kutoa elimu juu ya madhara ya dawa za kulevya, kusambaza taarifa kwa umma na juhudi nyingine za udhibiti;
(f) kuchukuka hatua stahiki za kupambana na biashara ya dawa za kulevya zikiwemo kukanata, kupeka na kufanya uchunguzi wa masuala yanayo uhusiana na dawa za kulevya;
(g) kuzua, kupeleleza na kuchunguza uchepushaji wa dawa za tiba zenye madhara ya kulevya pamoja na kemikali zilizosajiliwa kutoka kwenye
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vyanzo halali wakati huo huo kuhakikisha dawa hizoezina matumizi ya tiba, biashara na mahitaji ya kisayansi
(h) kuanzisha mfumo thabiti wa ukusanyaji wa taarifa na uchambuzi katika ngazi ya taifa kuhusu matumizi na biashara ya dawa za kulevya;  
(i) kuhamasisha na kuhakikisha kuwa jiti hada za ushirikiano wa kimataifa katika kudhibiti dawa za kulevya zinaimarishwa;  
(j) kufanya, kuwezesha na kuratibu tafuli zinzino husisiana na dawa za kulevya;  
(k) kuratibu na kuwawezesha wadawao wanaaojihushisha na udhibiti wa matumizi na biashara ya dawa za kulevya;  
(l) kuelimisha na kuhamasisha jamii kushiriki katika taarifa, dhidi ya matumizi na biashara ya dawa za kulevya;  
(m) kutooa mafunzo kwa watendaji wanaojihusha na udhibiti wa matumizi na usafirishaji wa dawa za kulevya, fedha haramu na kemikali bashirifu.  

(2) Mamlaka itahakikisha kuwa matakwa ya Mikataba ya Kimataifa yanatekelezwa kikamilifu na Serikali katika ngazi yake na mabadiliko ya vyoombwo vya kimataifa vinavyosimamia udhibiti wa dawa za kulevya, pamoja na tali kwa fitsiri ya kimataifa yanamishughusiwa na mamlaka inayohusika na dawa za kulevya, na mabadiliko na mabadiliko inayotaka pamoja na watu-watu wa kimataifa.

(4) Mamla la katika kutakuwa na Baraza la Taifa la Kudhibiti Dawa za kulevya, na kama mazingira yanaruhusu, itashirikiana na mamlaka inayohusika na dawa za kulevya kutoka Tanzania Zanzibar.

**Baraza la Taifa la Kudhibiti Dawa za Kulevya**

5.- (1) Kutakuwa na Baraza la Taifa la Kudhibiti Dawa za kulevya.  
(2) Baraza litakuwa na wajumbe kumi na mme ambao ni:-  
(a) Waziri Mkuu ambaye atakuwa Mwenyekiti;  
(b) Wajumbe wengine watakuwa ni:

| (i)  | Waziri mwenye dhamana na masuala ya sheria;  |
| (ii) | Waziri mwenye dhamana na masuala ya ndani ya nchi;  |
| (iii) | Waziri mwenye dhamana na masuala ya afya;  |
| (iv) | Waziri mwenye dhamana na masuala ya maendeleo ya jamii;  |
| (v)  | Waziri mwenye dhamana na masuala ya Mambo ya nchi za nje;  |
| (vi) | Waziri mwenye dhamana na masuala ya fedha;  |
| (vii) | Waziri mwenye dhamana na masuala ya Vijana;  |
| (viii) | Waziri mwenye dhamana na masuala ya elimu;  |
| (ix) | Waziri mwenye dhamana na masuala ya kilimo;  |
| (x)  | Waziri mwenye dhamana na masuala ya usafirishaji;  |
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(xi) Waziri mwenye dhamana na masuala ya Dawa za kulevya katika Serikali ya Mapinduzi Zanzibar;
(xii) Waziri mwenye dhamana na masuala ya utalii, katika Serikali ya Mapinduzi Zanzibar;
(xiii) Waziri mwenye dhamana na masuala ya fedha, Skatika Serikali ya Mapinduzi Zanzibar;

(4) Mawaziri wengine wanaweza kualikwa cha Baraza kutegemeana na ajenda inayojadiliwa na Baraza na pia Baraza linaweza kumualika mtu mwingine yeyote kuhudhuria kama itaona ni umuhimu kufanya hivyo.

(5) Jukumu kuu la Baraza litakuwa ni kusimamia utelekeza kwa Taifa ya Kudhibiti Dawa za kulevya.

(6) Baraza litafanya kikao si chini ya chini ya mwaka na itafanya kikao maalum pale itakapohitajika.

(7) Endapo Waziri Mkuu atashindhiwa kuhudhuria kikao cha Baraza chini ya kifungu hiki kwa sababu moyote itaona ni umuhimu kusaidia kama itaona wa kusimamia utelekeza kwa Taifa.
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Watendaji wa mamlaka

8.-(1) Kamishana mkuu kwa idhini ya Baraza anaweza kuteua au kuajiri maafisa na wafanyakazi wengine wa Mamlaka kama itakavyoona ni muhimu kufanya hivyo kwa ajili ya utekelezaji bora na wenye ufanisi wa kazi chini ya Sheria hii.

(2) Vigezo na masharti ya ajira, mishahara na posho za maafisa na wafanyakazi wa Mamlaka baada ya kupendekezwa na Baraza, yatapelekewa kwa Rais kwa ajili ya kupata idhini yake.

Kamati ya Ushauri

9.-(1) Itaanzishwa Kamati, itakayojulikana kama Kamati ya Ushauri.

(2) Kamati itakuwa na majukumu ya kumshauri Kamishna Mkuu kuhusiana na masuala ya udhibiti wa dawa za kulevya.

(3) Kamati itakuwa na wajumbe wasiopungua tisa kutoka Wizara mbalimbali, Idara za Serikali, vyombo vya dola, asasi za kiraia na mdau yeyote muhimu katika udhibiti wa dawa za kulevya.

(4) Waziri atateua watu wenye ujuzi na uzoefu katika masuala yanayohusiana na udhibiti wa dawa za kulevya au watu ambao mchango wao unawezekanisha katika utayarishaji wa utekelezaji wa sera ya Taifa kuhusu dawa za kulevya, kuwa wajumbe wa Kamati ya Ushauri.

Wajibu wa Serikali kudhibiti dawa za kulevya

10.- (1) Serikali itachukua hatua stahiki kwa lengo la kuzuia na kupambana na matumizi ya dawa za kulevya za nakotiki na saikotropiki pamoja na usafirishaji haramu.

(2) Hatua zinazoweza kuchukuliwa na Serikali kwa mujibu wa kifungu kidogo cha (1), zitajumuisha-

(a) kuratibu shughuli zinazofanywa na maafisa na taasisi chini ya Sheria hii na Sheria yoyote kuhusiana na utekelezaji wa masharti ya Sheria hii na matakwa ya mikatafa ya kimataifa;

(b) Kusaidia mamlaka husika katika nchi za nje na mashirika ya kimataifa kwa lengo la kuwezesha shughuli za uratibu ili kuwa na mikakati ya pamoja ya kudhibiti matumizi na biashara haramu ya dawa za kulevya za nakotiki na saikotropiki;

(c) Kutambua, kutibu, kuelimisha, kuwaweka katika uangalizi maalumu baada ya tiba na kuwarudisha katika hali ya kawaida na kuwafanya warudi na wakubalike katika jamii; na

(d) masuala mengine kama ambavyo Serikali itaona inafaa katika kuleta ufanisi katika kuzuia na kupambana na matumizi ya dawa za kulevya na masuala ya matumizi na usafirishaji wa dawa za kulevya.
za nakotiki na saikotropiki.

SEHEMU YA TATU
KATAZO LA UMILIKI NA USAFIRISHAJI WA DAWA ZA KULEVYA
ZA NAKOTIKI NA SAIKOTROPIKI PAMOJA NA KILIMO CHA MIMEA
INAYOZALISHA DAWA ZA KULEVYA

11. Mtu yoyote ambaye-
   (a) analima bangi, mirungi, mimea ya kokeini au anakusanya sehemu ya mmea wa kokeini au majani na vitawi vichanga vya mirungi;
   (b) analima “papaver somniferous” au mibaruti afyuni au papaver setigerum”;
   (c) anamiliki au sambaza ana mbegu zinazoalisha dawa za kulevya;
   (d) anamiliki, ana mamlaka au msimamizi wa jengo, eneo au mahali, anaruwhusu maeneo haya kutumika kwa ajili ya shughuli zozote kama ilivyoinishwa katika vifungu vya (a) na (b);
   (e) anazalisha, anamiliki, anasafrisha, anaingiza ndani ya Jamhuri ya Muungano, anatoa nje ya Jamhuri ya Muungano, anauza, ananunua, anatumia au anafanya jambo lolote au anazembea na kuacha vitendo hivyo vimechele kuwachungu kuhusiana na mimea ya mbaruti afyuni, mimea ya koka, majani ya koka, mibaruti afyuni, bangi, mirungi, kitendo hicho au uzembe huo ni kinyume na masharti yalivyomo kwenye Sheria hii,

mtu huyo akipatikana na hatia atawajibika kulipa faini isiyopungua shilingi milioni ishirini au kifungo kisichozidi miaka thulathini au vyote kwa pamoja.

12. Mamlaka inaweza kwa kupitia kanuni-
   (a) kutoa vibali na kusimamia-
      (i) kilimo au ukusanyaji wa sehemu yoyote ya mmea wa koka, uzalishaji, umiliki, uuzaji, ununuzi, usafirishaji, uingizaji nchini; utumiaji au ukusanyaji wa majani ya koka kwa niaba tu ya Serikali;
      (ii) kilimo cha mibaruti afyuni kwa matumizi pekee ya Serikali;
      (iii) uzalishaji na utengenezaji wa kasumba na uzalishaji wa mimea afyuni;
      (iv) uuzaji wa kasumba na mazalia yake kutoka viwanda vya Serikali kwa ajili ya kusafirisha nje ya Jamhuri ya Muungano au kwa wataalam wa kutengeneza dawa;
(v) utengenezaji wa dawa za viwandani isipokuwa kasumba bila kuhusisha utengenezaji wa dawa ya tiba yenyeye asili ya kulevya inayotokana na kasumba au utayarishaji wowote wenye dawa zilizotengenezwa viwandani ambazo zimetokana na malighafi zinazomilikiwa kihalali na mtengenezaji. 

(vi) utengenezaji, umiliki, usafirishaji, uuzaji, ununuzi, na utumiaji wa saikotropiki; au 

(vii) uingizaji nchini na upitishaji wa dawa za nakotiki na saikotropiki;

(b) kuagiza jambo lolote muhimu litakaloiwezesha Serikali kudhibiti kikamiliifu mambo yaliyoelezwa katika aya (a).

(2) Kanuni zilizotayarishwa na Mamlaka zinaweza kuainisha masharti yanayohusu utoaji leseni, vibali au uzalishaji, utengenezaji, umiliki, usafirishaji, uingizaji nchini na usafirishaji nje ya nchi, uuzaji, ununuzi, matumizi, uhifadhi, usambazaji, kuharibu au namna ya kupata dawa za nakotiki au saikotropiki

13. Bila kujali jambo lolote linalokwenda kinyume na yaliainishwa kwenyewe sheria yeyote au mkataba wowote, ni marufuku kwa dawa za kulevya za nakotiki, saikotropiki au mimea inayokatazwa, kushikiliwa na mtu yeyote kwa ajili ya kukomboa fedha kwa amri ya mahakama yoyote au mamlaka yoyote au vinginevyo.

14. Mtu yeyote katika Jamhuri ya Muungano hatoruhusiwa kujihusisha au kusimamia biashara yoyote ya dawa za nakotiki au saikotropiki zinazopatikana nje ya nchi au kupelekwa kwa mtu yeyote nje ya nchi bila idhini au kibali cha Mamlaka na kwa kuzingatia masharti yatakavyotolewa na Mamlaka.

15.-(1) Mtu yeyote ambaye-

(a) akikutwa anamiliki au kufanya jambo lolote au kuacha kufanya jambo lolote kuhusiana na dawa za nakotiki au saikotropiki au utayarishaji wenye dawa za kutengenezwa viwandani;

(b) anasafirisha dawa yoyote ya nakotiki au saikotropiki, atakuwa ametenda kosa na akipatikana na hatia atatumikia kifungo cha maisha.

(2) Mtu yeyote anayezalisha, kumiliki, kusafirisha, kupeleka nje ya nchi, kuingiza katika Jamhuri ya Muungano, kuuza, kununua au kufanya kitendo chochote au kuacha kufanya kitendo chochote kuhusiana na dawa za kulevya ambazo hazijaorodheshwa kwenye Jedwali lililopo katika Sheria hii, lakini 71
16. Mtu yeyote anayemiliki mashine, mtambo, maabara au chombo chochote kwa lengo la kutayarisha, kuzalisha au kutengeneza dawa za nakotiki au saikotropiki, anatenda kosa na akipatikana na hatia atatozwa faini ya shilingi milioni miambili au kifungo kisichopungua miaka kumi au nyili kwa pamoja.

17. Mtu yeyote akipatikana na kiasi kidogo cha dawa za nakotiki au saikotropiki ambacho si kwa ajili ya matumizi binafsi, anatenda kosa na akipatikana na hatia atatozwa faini ya shilingi milioni kumi au kifungo kisichozidi miaka mitano au adhabu zote mbili kwa pamoja.

18.- (1) Kwa kuzingatia kifungu cha 17, “kiasi kidogo” maana yake ni kiasi chochote ambacho kitatangazwa na Mamlaka kwa kanuni katika Gazeti la Serikali.

20. Mtu ambaye ni mmiliki, anayeishi, au mtu anayehusika na
Adhabu kwa kumpatia mtu dawa za nakotiki au saikotropiki

21. Mtu yeyote ambaye-
   (a) anatoa dawa za nakotiki au saikotropiki au anasababisha au kuruhusu itolewe ila isipokuwa kwa mtu aliyeruhusiwa au daktari wa daktari wa meno anayefanya kwa kutumia utaalamu wake na kwa mujibu wa maadili ya taaluma na viwango vilivyovoruhusiwa; au
   (b) anaweke dawa za nakotiki au saikotropiki kwenye chakula au kinywaji bila ya mtumiaji kufahamu; au
   (c) anauza, anasambaza au kupata dawa za nakotiki na saikotropiki kwa agizo la daktari huku akiuja au akiwa na sababu za kuamini kuwa agizo hilo limeghushiwa au limepatikana isivyalo halali au limetolewa zaidi ya miezi sita tangu agizo liandikwe, anatenda kosa na akipatikana na hatia atatozwa faini ya shilingi milioni tano au kifungo cha miaka mitatu au vyote kwa pamoja.

Ubadhirifu kwa mkulima aliyeruhusiwa

22. Mtu yeyote mwenye kibali cha kulima mimea ya afyuni kwa niaba ya Serikali na isivyalo halali aliyeruhusiwa iliyotolewa kulingana na masharti ya Sheria hii -
   (a) anaacha bila ya sababu za msingi kutunza mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
   (b) anashindwa kutoa mahesabu bila sababu za msingi, kutunza mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
   (c) kutunza kumbumbu za mahesabu au kutoa taarifa za uongo au huku akiuja au akiwanza kuwa ni ya uongo;
   (d) kufanya tendo lolote kwa makusudi huku akifahamu kuvunja masharti yaliyopo kwenye leseni, kibali au ruhusa ambapo adhabu inatolewa katika Sheria hii,

Kukiuka masharti ya leseni au kibali

23. Pale mmiliki wa leseni, kibali au idhini iliyotolewa kulingana na masharti ya Sheria hii-
   (a) anaacha bila ya sababu za msingi kutunza mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
   (b) anashindwa kutoa mahesabu bila sababu za msingi, kutunza mahesabu au kuwasilisha marejesho kwa mujibu wa Sheria hii;
   (c) kutunza kumbumbu za mahesabu au kutoa taarifa za uongo au huku akiuja au akiwanza kuwa ni ya uongo;
   (d) kufanya tendo lolote kwa makusudi huku akifahamu kuvunja masharti yaliyopo kwenye leseni, kibali au ruhusa ambapo adhabu inatolewa katika Sheria hii,
anatenda kosa na akipatikana na hatia atatakiwa kulipa faini ya shilingi milioni tano au kutumikia kifungo cha miaka thelathini au vyote kwa pamoja.

24. Mtu ambaye anajua moja moja au kwa namna nyingine anafadhili shughuli zilizoorodheshwa katika kifungu cha 15 au kumhifadhi mtu yeyote anayejihusisha na shughuli zilizotajwa, anatenda kosa na akipatikana na hatia atatakiwa kulipa faini isiyoopangua shilingi milioni mia mbili au kutumikia kifungo kisichopungua miaka thelathini au vyote kwa pamoja.

25. Bila kujali yaliyomo katika sheria nyingine, mtu yeyote atakaye-
(a) kula njama na mtu yoyote kutenda kosa;
(b) shawishi, chochea, saidia, ficha au kujaribu kushawishi, kusaidia, shirikiana au kumficha mtu alietenda kosa;
(c) sababisha au kujaribu kusababisha kufanyika kwa kosa chini ya sheria hii;
(d) vinginevyo moja kwa moja au vinginevyo anajua anahusika na utendaji wa kosa chini ya sheria hii, anatenda kosa na akitiwa hatiani atatakiwa kulipa fainiya shilingi milioni tano au kutumikia kifungo kwa kipindi kisichopungua miaka thelathini au vyote kwa pamoja.

26. Endapo mtu atajaribu kutenda au kuacha kufanya kitu kinachopelekea utendaji wa kosa chini ya Sehemu hii na kutokana na mazingira yaliyopo anaweza akachukuliwa kuwa alikusudia kutimiza nia ya kutenda kosa hilo lakini alizwiwa na mazingira tofauti na nia yake, atawajibika kutumikia kifungo si chini ya nusu ya kifungo anachostahili mtu ambaye angeweza kuadhibiwa kama angetenda kosa hilo, na kulipa nusu ya faini yote ambayo angeadhibiwa kama angelifanya kosa hilo.

27.- (1) Mtu yeyote aliyetiwa hatiani kwa makosa chini ya Sheria hii, akitiwa hatiani kwa kosa jingine na kwa kila kosa linalojirudia atatakiwa kulipa faini ya shilingi milioni kumi au kifungo cha maisha.

(2) Endapo mtu atahuhukiwa chini ya vifungu vya 20, 21 na 26, na Mahakama yenye mamlaka nje ya Jamhuri ya Muungano chini yaSheria yoyote inayofanana na masharti ya sheria yetu kuhusiana na kitiwa hatiani, atashughulikiwa kwa mujibu wa kifungu kidogo cha (1) kama vile amehukumiwa na Mahakama ya Jamhuri ya Muungano.

28. Mtu yeyote ambaye anakiuka masharti yaliyomo kwenye Sheria hii
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makosa ambayo adhabu zake hazijaainishwa kwenye Sheria hii

au masharti ya leseni, kibali au idhini iliyotolewa chini ya Sheria hii, ambapo hakuna adhabu mahsusi iliyoainishwa katika Sehemu hii, akipatikana na hatia atawajibika kulipa faini isiyozidi shilingi milioni tano au kifungo kisichozi miaka thelathini au vyote kwa pamoja.

29.- (1) Katika uendeshaji wa mashauri ya kumiliki, kujihusisha na kusafirisha, kuza, kilimo, ununuzi, utumiaji au kufadhili dawa za nakotiki au saikotropiki, jukumu la kuthibitisha kuwa dava za nakotiki au saikotropiki zilimilikiwa, kuhusishwa, kusafirishwa, kuuzwa, kulimwa, kununuliwa, kutumiwa au kufadhiliwa kwa mujibu wa masharti ya leseni, kibali au mamalaka yaliyotolewa chini ya Sheria hii, Miongozo, Kanuni au amri, litakuwa jukumu la mshitakiwa.

(2) Bila kujali masharti ya kifungu kidogo cha (1), itakuwa ni utetezi kwa mtu yeyote aliyeshitakiwa kwa kosa la kujihusisha na umiliki wa dawa za nakotiki au saikotropiki iwapo atathibitishia na kuiridhisha Mahakama kuwa umilikaji wa dawa hizo za nakotiki au saikotropiki ulizingatia mazingira ya tukio kwa umakini.

30.- (1) Afisa polisi mkuu wa kituo au afisa wa Mamlaka au mahakama ambapo mtuhumiwa ampelekwa au kushitakiwa haitotoa dhama kwa mtuhumiwa huyo endapo-

(a) mtuhumiwa huyo anashitakiwa kwa makosa yanayohusu usafirishaji wa dawa za kulevya ya nakotiki au saikotropiki lakini haijumuishi mtu aliyeshitakiwa kwa kosa la kumiliki dava za kulevya ambaye kwa kuchukulia mazingira yote hakuwa na nia ya kuza au kufanya biashara ya dawa hizo;

(b) mtuhumiwa anashitakiwa kwa kosa la kujihusisha na usafirishaji wa dawa za kulevya aina ya amfetamini, heroini, kokaine, mandrax, mofini, bangi iliyoainishwa, kasumba na dawa nyingine yoyote ya kulevya yenye uzito wa kuanzia gram 200 au zaidi.

(c) mtuhumiwa anashitakiwa kwa kosa la kujihusisha na usafirishaji wa bangi, mirungi na aina yoyote ya mmea uliokatazwa wenyewe uzito wa kilogram mia au zaidi.

(2) Masharti ya kutoa dhama kama yalivyoinishwa chini ya kifungu cha 148 cha Sheria ya Mwenendo wa Makosa ya Jinai, yatatumika sambamba kwa makosa yote chini ya Sheria hii.

31.- (1) Endapo kosa limetendwa chini ya Sheria hii na Kampuni, kila mtu
ambaye wakati kosa linatendeka, alikuwa anaongoza au anasimamia shughuli za uendeshaji wa kampuni atachukulwaji kuwa ametenda kosa na atastahili kushitakiwa na kuadhibiwa ipasavyo.

(2) Kifungu cha (1) na kitapelekea mtu yeyote kupewa adhabu yoyote iwapo atathibitisha kwamba kosa lililendeka bila yeye kufahamu au alifanya jitihada kuzuia kutendeka kwa kosa hilo.

(3) Bila kujali kifungu kidogo cha (2), pale ambapo kosa chini ya sehemu hii limefanywa na kampuni na kuthibitishwa kwamba kosa limetendeka kwa ruhusa au nia ovu, au imesababishwa na uzembe wa mkurugenzi yeyote, meneja, katibu au afisa mwingine wa kampuni, mkurugenzi huyo, meneja, katibu, au afisa mwingine wa kampuni atashaktiwa na kuadhibiwa ipasavyo na kampuni hiyo itafutiwa kibali au kutaiifishwa.

Kuachiwa kwa baadhi ya watumiaji wa madawa kwa lengo la kupata tiba

32.- (1) Pale mtumiaji mzoefu atakapotiwa hatian kwa kosa chini ya kifungu cha 19 na mahakama ambayo imentia hatian imeona kwamba kutokana na-

(a) umri, tabia au antecedents;
(b) hali ya mwili na akili ya mkosaji, kwa kadiri itakavyoona inafaa; hivyo bila ya kuathiri chocbote kilichopo katika sheria hii au sheria nyingine yoyote mahakama yaweza badala ya kutoa adhabu ya kifungo, kwa ridhaa yake ikaelekeza kwamba mtumiaji huyo aachiwe kwa ajili ya kupata tiba ya kuondoa sumu kutoka katika hospitali au taasisi kwa kipindi kisichozidi miezi mitatu na kwa wakati huu ataaacha kutenda kosa lolote chini ya Sehenu hii.

(2) Endapo mtumiaji mzoefu ataachiwa kwa ajili ya kupata matibabu, atahitajiwa kuungia makubaliano kama itakavyoelekezwa na Mamlaka, akiwa na wadhamini au la, kumuelekeza kuja na kutoa ripoti inayohusu matibabu yake kwenye mahakama kwa kipindi kisichozi mizizi mitatu na kwa wakati huu ataaacha kutenda kosa lolote chini ya Sehenu hii.

(3) Endapo mhalifu atashindwa kufuata masharti ya kuacha kutenda kosa baada ya kuachiwa na mahakama kwa ajili ya kwenda kupata matibabu kwa kuzingatia kifungu kidogo cha (2), mahakama inawezza kumumudumu mtuhumiwa huyo kwenda mahakamani kwa ajili ya kuhukumiwa.

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TARATIBU ZA UKAMATAJI

33.- (1) Maafisa wa Mamlaka watakuwa na uwezo wa kukamata kupekuwa, kushikilia na kufanya upelelezi kuhusiana na makosa yaliyoainishwa chini ya sheria hii.
(2) Masharti ya sheria yeyote inayotumika katika Jamhuri ya Muungano wa Tanzania kuhusiana na mamlaka na wajibu wa kuchunguza, kukamata, kupekuwa na kushikilia vitu kwa maaafisa wa jeshi la polisi, afisa forodha, au mti mwingine mwenye mamlaka ya kukamata, yatatumika pia katika sheria hii.

(3) Afisa yeyote aliyetajwa katika kifungu kidogo cha (1), muda wowote anawezao-
   (a) kuingia na kupekuwa jengo lolote, chombo chochote cha uchukuzi au mahali;
   (b) iwapo kuna upinzani, kuvunja mlango wowote au kuendoa kizuizi chochote cha kuwizia mahali hapo.
   (c) kukamata dawa yoyote na vifaa vyote vilivyotumika katika kutengeneza dawa au kifaa chochote, au chombo cha usafirishaji akiamini kuwa vyombo au vifaa hivyo vimetumika katika utendaji wa makosa chini ya Sheria hii.

(4) Endapo afisa anachukua taarifa au kurekodi sababu za kukamata atatakiwa bila kuchelewa kupeleka nakala ya taarifa au rekodi hiyo kwa mkuu wake wa kazi.

(5) Masharti ya kifungu hiki, kuhusiana na makosa chini ya sehemu ya Tatu kuhusu mimea ya koka, mirungi, mibaruti afyuni au mmea wa bangi na dhumuni hili rejea ya vifungu hivyo kwa dawa za nakotiki au saikotropiki zitachukuliwa kuwa rejea kwa mmea wa koka, mirungi, mibaruti afyuni au mmea wa bangi.

34. Pale ambapo haiwezekani kushikilia vitu vikiwemo mazao yaliyopo ambayo yanastahili kutaiishia, afisa yeyote aliyeidishinsha chini ya kifungu cha 33 anaaweza kumpatia mmiliki au mti mwenye kumiliki vitu hivyo na kuamurumwa kwamba hataondoa, au kuachana na vitu hivyo au vinginevyo kujihusisha na vitu hivyo isipokuwa kwa ruhusa ya afisa huyo.

35. Kila mmiliki, anayeishi, au mti anayesimamia ardhi yoyote, nyumba au sehemu atatoa taarifa haraka kwa afisa yeyote wa polisi au afisa wa idara zilizotajwa katika kifungu cha 33 juu ya uwepo wa mazao yanayozalisha dawa za kulevya, dawa za nakotiki au saikotropiki ambazo zmelimwa isivyo halali, imezalishwa au kutengenezwa ndani ya ardhi yake, jengo au ene na kila mmiliki ambaye anajua lakini anapewa kutoa taarifa hiyo, anatenda kosa na akipatikana na hatia atatakiwa kula faini ya shilingi milioni ishirini, au kifungu cha miaka thelathini au vyote kwa pamoja.
36. Afisa yeyote mwenye mamala chini ya Sheria hii, anawezza kuamuru kushikilia kwa mazao ya mimea ya mibaruti afyuni, mimea ya bangi, mirungi, mimea jamii ya koka au mimea mingine ya dawa za kulevya iwapo anaamini kuwa imelima siivy halali, na anawezza kutoa amri hiyo, ikiwemo amri ya kuharibu mimea hiyo kama atakavyoona inafaa.

37.- (1) Mamlaka inaweza, kwa kuzingatia hali ya hatari ya dawa za nakotiki au saikotropiki au urahisi wa kuweza kuhiwa, kubadilishwa, ufinyu wa mahali maalum pa kuhifadhia, sehemu au mambo mengine yanayoweza kuzingatiwa, kwa Notisi katika Gazeti la Serikali, kuamuru dawa hizo za nakotiki na saikotropiki ziharibiwe kwa utaratibu kama Mamlaka itakavyoamu baada ya kufuata taratibu zilizoainishwa.

(2) Endapo dawa za kulevya aina ya nakotiki na saikotropiki zimekamatwa, afisa aliyekamata dawa hizo au dawa za saikotropiki atanda dawa ya kuonyesha taarifa zinazohusu-

(a) ina ya dawa za nakotiki au saikotropiki, ikiwa na maelezo kuhusiana na aina, kiasi, jinsi ilivopakiwa, alama, namba;

(b) alama yoyote ya kuitambua dawa ya nakotiki au saikotropiki;

(c) jinsi ilivyofungwa;

(d) nchi ilipotoka; na

(e) vitu vingine ambavyo afisa atagona inafaa kwa ajili ya utambuzi wa dawa za nakotiki au saikotropiki katika mashauri yoyote chini ya Sheria hii.

(3) Afisa aliyekamata dawa hizo au dawa za saikotropiki atatuma maombi kwa Hakimu yeyote mwenye mamala chini ya Sheria hii kwa madhumuni ya-

(a) kujiridhisha na usahihi wa orodha iliyotayarishwa;

(b) kupiga picha dawa za kulevya mbele ya Hakimu na kuthibitisha kwa picha hizoz ni za kweli;

(c) kuhimi kuchukua sampuli ya dawa hizo au vitu mbele ya Hakimu huyo, na kuthibitisha usahihi wa orodha ya sampuli ilivyochukuliwa.

(4) Pale ambapo ombi limefanywa chini ya kifungu kidogo cha (3), Hakimu atakubali mara moja ombi hilo.

(5) Bila ya kuathiri masharti yaliyomo katika Sheria ya Usahidi au Sheria ya Mwenenedo wa Makosa ya Jinai, kila Mahakama inayohukumu kosa chini ya Sheria hii, itachukua orodha, picha za dawa za nakotiki au saikotropiki na orodha ya sampuli zilizochukuliwa chini ya kifungu kidogo cha (3) na kuthibitishwa na Hakimu, kama usahidi wa awali kuhusiana na kosa hilo.
38. Maelezo yaliyotolewa na kusainiwa mbele ya afisa mwenye mamalaka chini ya kifungu cha 51 cha Sheria hii, kuchunguza makosa, katika na wakati wa mahojiano au mwenendo wa kesi na afisa huyo, yatakuwa ni muhimu kwa madhumuni ya kuthibitisha, shitaka lolote la kosa lolote chini ya Sheria hii na ukweli wa maelezo yaliyomo-

(a) endapo mtu aliyetoa maelezo amefariki dunia au hawezi kupatikana au hawezi kutoa ushahidi au amezuiwa na adui yake au uwepo wake hayaweze kani pasipokuwa na ucheleweshaji au gharama amabapo kutokana na mazingira ya kesi mahakama inaona hakuna haja; au

(b) endapo mtu aliyetoa maelezo anahojiwa kama shahidi katika kesi iliyo panahakamani;  
na mahakama ina maoni ya kwamba kwa kuangalia mazingira ya kesi maelezo hayo yatachukuliwa kama ushahidi ili kuhakikisha haki inatendeka.

39. Katika mashitaka chini ya sheria hii, inaweza kuchukuliwa, isipokuwa kama itathibitishwa, kwamba mtuhumiwa ametenda kosa chini ya Sehemu hii ya Tatu kuhusiana na-

(a) madawa ya nakotiki au saikotropiki;
(b) mibaruti afuyuni, mimea ya bangi, mirungi au mimea ya koka inayolimwa katika ardhi yoyote;
(c) kifaa chochote kilichobuniwa maalum auaina yoyote ya chombo kilichochukuliwa maalum kwa ajili ya kutengezea aina yoyote ya madawa ya nakotiki au saikotropiki; au
(d) malighafi yoyote iliyotumika kwamba madawa ya nakotiki au saikotropiki, au mabaki yoyote ya vitu vilivyobaki kwenye madawa yaliyotengenezwa nakotiki au saikotropiki.

40.- (1) Afisa aliyeidhinishwa chini ya kifungu cha 45 atachukua hatua ya kuweka katika utangazaji, kusubiri amri ya Hakimu, mkazi na kuruhusu afisa aliyekamata vitu hivyo ambaye ametakunsaidiana, kufanya hivyo, kuvipiga muhuri viti hivyo au kuchukua sampi za vitu hivyo na sampili hizo zilizochukuliwa zitafungwa na lakini ya ofisi ya ofisa huyo.

(2) Afisa yeyote atakayeshindwa kufuata masharti yanayohusu uhifadhi wa vitu vilivyokamatwa na akasababisha kupotea kwa vitu hivyo anatenda kosa na akipatikana na hatia, atatakiwa kulipa faini ya shilingi milioni kumi na tano au kifungo cha miaka mitano au vyote kwa pamoja.

41. Maafisa wote waliyotajwa katika Sheria hii, ambao kazi au mamlaka mahsusi au ya jumla wamepewa chini ya sheria hii ya kupewa taarifa au
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kutakiwa kufanya hivyo, watapaswa kisheria kusaidiana katika kutekeleza masharti ya sheria hii.

42. Endapo mtu yeyote amekamatata watuhumiwa au vitu chini ya Sheria hii anatakiwa ndani ya masaa arobani na nane baada ya kukamata au kushikilia vitu hivyo kutoa taarifa kamili ya maelezo ya kukamatwa huko au kushikilia huko kwa afisa wa juu anayemfuatia.

43.- (1) Afisa yeyote ambaye katika kutekeleza mamlaka aliyopewa chini ya sheria hii-

(a) bila ya kuwa sababu zozote za kutilia shaka, anaingia au kupekua au kusababisha kuwingia au kukaguzi jengo lolote, chombo cha uchukuzi au mahali;
(b) bila ya ulazima wowote anakamata mali ya mtu yeyote kwa lengo la kukamata kitu au kufla wa mahali wa najaxi au saikotropiki au vitu vingine vinavyopaswa kutafisha chini ya sheria hii, au kushikilia nyaraka yoyote au kitu kinachoweza kushikilia chini ya sheria hii; au
(c) bila ya sababu anamzuiu, anamkagua au kumkamata mtu yeyote, atatenda kosa na akapotokana na hatia atatakiwa kulipa faini isiyozidi shilingi milioni mia tano au kifungo kwa kipindi cha maelezo ya vyote au vyote kwa pamoja.

(2) Mtu ambaye kwa hiari au kwa nia ovu anatoa taarifa za uongo na kushikilia kwa kukamata na kushikilia kwa kosa chini ya sheria hii, anatenda kosa na akapotokana na hatia atatakiwa kulipa faini isiyozidi shilingi milioni mia tano au kifungo cha maelezo ya vyote kwa pamoja.

44.- (1) Afisa ambaye anajukumu lolote lililotolewa chini ya sheria hii-

(a) anakataa kufanya kazi ya ofisi yake, isipokuwa kama ana sababu za msingi za kufanya hivyo;

(b) amepewa uangalizi wa muathirika yeyote au mtu yeyote ambaye anashitakiwa kwa kosa chini ya sheria hii;
(c) kwa hiari anasaidia katika au anaachia kwa makusudi katika, kuvunjwa kwa masharti yoyote chini ya sheria hii, anatenda kosa na akapotokana na hatia atatakiwa kulipa faini isiyozidi shilingi milioni tano au kifugo kisichozidi miezi sita au vyote kwa pamoja.

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(2) Maelezo “afisa” katika kifungu hiki yanajumuisha mtu aliyejirwiwa hospitalini au taasisi inayoendeshwa au kutambuliwa na Serikali kwa ajili ya kutoa usuguo wa matumizi ya dawa za kulevya au sumu.

(3) Mahakama haitatambua kosa chini ya kifungu kidogo cha (1) isipokuwa kwa malalamiko ya maandishi yaliyotolewa na Mamlaka.

45-(1) Endapo kosa chini ya Sehemu ya Tatu limetendeka, madawa ya nakotiki, saikotopiki, mibaruti afuyuni, mimea ya kokeini, mirungi, mimea ya bangi, malighafi zinazotumika, vifaa na vyombo kuhusiana na kosa lililotendwa, vitataifishwa.

(2) Madawa yoyote ya nakotoki au saikotropiki ambayo yanataifishwa na chombo cha kuwekea vitu, kufungia, kufunika amabano madawa yoyote ya nakotiki au saikotropiki, michanganyo, vifaa au vyombo vinavyoweza kutataifishwa chini ya kifungu kidogo cha (1) vimepatikana, na ndani yake, vyombo vya kuwekea vitu au kufungia vitataifishwa.

(3) Kitu chochote kianchotumika kwa ajili ya kufichia madawa yoyote ya nakotiki au saikotropiki ambayo yanataifishwa kwa ajili ya Sheria hii yatataifishwa.

(4) Endapo madawa ya nakotiki au saikotropiki yameuzwa na mtu mwene ulewe au kuna sababu za kuamini kwamba madawa au mchanganyiko, utataifishwa chini ya Sheria hii, mapato ya mazu chini ya Sheria hii nayo yatataifishwa.

46.- (1) Katika shtaka la makosa chini ya Sheria hii, ama mtuhumiwa ametiwa hatiani au ameachiwa, Mahakama itaamua kama vifaa au vitu vilivyokamatwa vinataifishwa kutaifishwa.

(2) Endapo kitu chochote chini ya Sheria hii kinaonekana kuwa kinastahili kutaifishwa, lakini mtu aliyetenda kosa linalohusiana na kitu hicho hajulikani au hawezi kupatikana, mahakama inaweza ikachunguzwa na kuamini, kuamrisha mali hiyo itaifishwe.

(3) Amri ya kutaifisha kitu au chombo haitatolewa mpano-
  (a) kupita mwezi mmoja tangu kukamatwa kwake;
  (b) bila ya kumsikiliza mtu yeyote anayedai haki;
  (c) bila ya usahidi kama upo uliotolewa kuhusiana na madai.

(4) Endapo kitu au kifaa ambacho si dawa ya nakotiki, saikotropiki, mibaruti afyuni, mimea ya koka, mrungi au mmea wa bangi, ambao ni rahisi
kuharibika, au iwapo Mahakama inaona uuzwaji wake utakuwa ni kwa faida ya mmiliki, inaweza kuelekeza kiuzwe.

(5) Mtu yeyote ambaye anadai haki ya mali ambayo Mahakama imetaifisha chini ya Sheria hii, anaweza kukata rufaa Mahakama Kuu dhidi ya amri ya kutaifisha.

47. Endapo nyaraka yoyote-
(a) imetolewa au kupewa na mtu yeyote au imechukuliwa kutoka kwenye uangalizi au usimamizi wa mtu yeyote chini ya Sheria hii, au chini ya Sheria nyingine yeyote; au
(b) imepokelewa kutoka sehemu yoyote nje ya Jamhuri ya Muungano, na imethibitishwa na mamlaka hiyo au mtu na kwa namna iliyowekwa na Mamlaka, wakati wa uchunguzi wa kosa lolote chini ya sheria hii, kama nyaraka hiyo itatolewa katika mwenendo wowote chini ya sheria hii, katika ushahidi dhidi yake au dhidi ya mtu mwingine yeyote ambaye wawasitikia pamoja naye, mahakama-
   (i) itaikubali nyaraka katika ushahidi, bila ya kujali kuwa ina mhuri, kama nyaraka hiyo inakubalika katika ushahidi.
   (ii) endapo itawasilishwa chini ya aya ya (a), nayo itapokelewawa, isipokuwa kama itathibitika vinginevyo, ukweli wa yaliyomo katika nyaraka hiyo.

48-(1) Afisa yeyote ambaye ameidhinishwa chini ya sheria hii, anaweza, wakati wowote wa uchunguzi kuhusiana na kukiuka masharti yoyote ya Sheria hii-
   (a) kutaka taarifa kutoka kwa mtu yeyote kwa madhumuni ya kuiridhisha kama kuna ukiukwaji wowote wa masharti ya Sheria hii; na
   (b) kutamka ya kwambamtu yeyote kutoa au kupeleka nyaraka yoyote au kitu kitakachotumika au muhimu kuhusiana na uchunguzi.

(2) Afisa anayetekeleza mamlaka aliyopewa chini ya masharti ya Sheria hii, hatalazimishwa kusema wapi alipopata taarifa juu ya kutendeka kwa kosa.

49.- (1) Taratibu za ukamataji na uwezo waliyopewa maafisa wa Mamlaka chini ya Sehemu hii yatatumika kama yalivyo.
(2) Kwa madhumuni ya kifungu kidogo cha (1) afisa wa Mamlaka au vyombo vingine vya utektelezaji ambaye-
   (a) atakamata mtuhumiwa kwa:
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(i) kungusa kwa mkono au kumweka chini ya ulinzi wake mtu aliyekamatwa;
(ii) kutoa taarifa kwa mtu aliyekamatwa msingi au sababu ya kukamatwa kwake na maelezo ya kosa analotuhumiwa kulitenda;
(iii) kumhoji mtu aliyekamatwa kuhusu namna alivyopatikana na dawa za nakotiki au saikotropiki;
(iv) kumtaka mtu aliyekamatwa kukubali au kukataa kosa na iwapo ni lazima, kupata maelezo mbele ya Hakimku Mkazi;
(v) iwapo mtu aliyekamatwa atatoa maelezo ya kukubali kufanya kosa na maelezo yake yanarekodiwa na kusainiwa na mtuhumiwa au mtu aliyekamatwa;

(b) anafanya upelelezi wa kosa:
(i) ye ye mwenyewe kwenda kwenye eneo la tukio kufanya upelelezi na atachukua kila kitu kinachohusika kutumka katika kutenda kosa;
(ii) kuchukua hatua zote muhimu kwa ajili ya kugundua na kukamatwa kila kitu ambacho kinaweza kutumika kama ushahidi;
(iii) kumhoji kwa mdomo mtu yeyote ambaye ana maelezo na anajua mazingira ya kosa lililotendeka;
(iv) kurekodi kwa Kiswahili au Kiingereza au kwa lugha yoyote maelezo ya mtu aliyekamatwa na mashahidi;
(v) kumtafsiria mtu aliyekamatwa kwa lugha anayoielewa na mtu huyo atakuwa na uhuru wa kuongeza maelezo mengine katika maelezo ya awali;
(vi) kuweka saini yake katika maelezo ya mtu aliyekamatwa chini ya mstari wa mwisho wa maelezo yaliyorekodiwa na kumruhusu mtu mwingine aliyehudhuria kusaini kama shahidi na saini ya mtu aliyekamatwa:

(c) kufanya upekuizi wa kifaa kilichotumika au kinachohisiwa kutumika katika utendaji wa kosa kwa:
(i) mara moja iwezekanavyo, kutoa taarifa ya matekeo ya upekuizi kwa afisa mwendamizi wa Mamlaka;
(ii) kurekodi na kutoa stakabadhi itakayotambua upekuizi wa kifaa hicho;
(iii) kuchukua saini ya mmiliki au mkazi wa jengo ambalo kifaa kiachoshikiliwa kimepatikana na saini ya shahidi au mashahidi aliyeshuhudia upekuizi, kama yupo;
(iv) pale amalezo yanapokuwa dhidi ya uhusiano kati ya kifaa kilichotumika na mtu aliyeckamatwa, kushauri juu ya mmiliki wa kifaa hicho;

(v) kurekodi maelezo mengine yoyote ambayo yanaweza kuwa na umuhimu kati ya kifaa hicho na juu ya mmiliki wa kifaa hicho;

(d) kushikilia kifaa kilichotumika au kinachohisiwa kutumika katika kutenda kosa kwa:

(i) kuhakikisha uwepo na kuchukua maelezo ya watu watakaotoa ushahidi juu ya kifaa kinachoshikiliwa;

(ii) kurekodi maelezo ya mtu aliyeshikiliwa kuhusu uhusiano wake na kifaa kinachoshikiliwa;

(iii) kutathmini na kuamua ukubwa, ujazo, wingi, ubora na thamani au thamani iliyokadiriwa ya kifaa kilichoshikiliwa;

(iv) kukiweka chini ya uangalizi kifaa kianchoshikiliwa kutokana na kitendo chochote cha upotevu, wizi, kusinyaa, kushuka kwa ubora au thamani.

(3) Afisa wa mamlaka ambaye atashindwa kutekeleza majukumu yake au kuwa kufanya kitendo na kutokana na uzembe huo, mtu anayetuhumiwa au kushitakiwa kwa kosa linalohusiana na dawa za nakotiki au saikrotiki akashindwa kwa kosa na kosa linalohusiana na kosa linalohusiana na dawa za saikrotiki au saikrotiki

SEHEMU YA TANO
UFILISI WA MALI ZILIZOTOKANA NA BIASHARA YA DAWA ZA KULEVYA AU USAFIRISHAJI WA DAWA ZA KULEVYA

50.—(1) Kwa kuzingatia Sehemu hii, pale mtu anapotiwa hatiani kwa kosa lililopo Sehemu ya Tatu, mali anazomiliki kuanzia tarehe aliyotiwa hatiani kwa kosa linalofanana au alizopata baada ya tarehe hiyo, zitafilisiwa na Serikali kwa uwezo wa kisheria katika mashauri ya jinai kama litakavyojitokeza kifaa kianchoshikiliwa kwa kose la jinai kama lina amesababishwa kwa uhusiano kwa kifaa kianchoshikiliwa.

(2) Masharti ya kifungu kidogo cha (1) yatatumika-

(a) kwa mtu yoyote motaa ya hatiani kwa kosa chini ya Sheria hii;

(b) mtu yoyote motaa ya hatiani kwa kosa linalofanana nje ya Jamhuri ya Muungano na mahakama yenye uwezo wa kisheria katika mshahari ya jinai.

(c) kila mshirika wa mtu anayetajwa kwenye aya za (a) na (b).

(3) Kwa madhumuni ya Sehemu hii, kama muktadha unahitaji
(a) mtu yeyote ambaye alikuwa au ni msimamizi wa shughuli au mtunza fedha wa mtu aliyetiwa hatiani chini ya kifungu hiki;
(b) madhumuni wa dhamana yoyote, ambapo-
   (i) dhamana imewekwa na mtu huyo; au
   (ii) thamani ya raslimali zilizochangiwa na mtu huyo zikiwemo thamani ya mali, kama zipo, zilichangiwa na yeye awali kwenye dhamana kwa kiasi si chini ya asiliamia ishirini ya thamani ya mali za dhamana.

4) Mali haitafilisiwa chini ya Sheria hii iwapo mali hiyo ilipatikana na mtu ambaye masharti ya Sheria hii yalitumika, miaka mitano kabla ya tarehe ya kushtakiwa kwa kosa linalohusiana na biashara haramu ya dawa za kulevya.

5) Iwapo afisa aliyeidhinishwa kwa maandishi anafikiri kuwa mali yoyote ya mtu huyo inashikiliwa kwa niaba yake na mtu mwingine, afisa huyo ataagiza mtu huyo apeleke mali hizo kwa lengo la kutaifishwa.

51.-(1) Mtu haruhusiwi kushikilia mali iliyopatikana isivyvo halali, aidha yeye binafsi au kwa kumtumia mtu mwingine.
(2) Endapo mtu anashikilia mali zilizopatikana isivyvo halali kinyume na kifungu kidogo (1), mali hizo zitafilisiwa kwa mujibu wa Sheria ya Utaifishaji wa Mali zinazohusiana na Uhalifu.

52.-(1) Mamlaka inaweza kumuagiza afisa yeyote kumhoji, kumpeleleza au kufanyia uchunguzi mtu au kikundi cha watu kama itakavyoona inafaa.
(2) Afisa aliyeidhinishwa na Mamlaka, anaweza baada ya kupata taarifa za mtu yeyote anayehusiana na Sehemu hii, anashtakiwi kwa kufanya kosa lolote iwe ni katika Jamhuri ya Muungano au nje ya nchi atendelea na hatua zote muhimu za kufuatilia na kutambua kila aina ya mali alizopata kutokana na uhalifu.
(3) Endapo Afisa anapokuwa anahoji au kupeleleza, kuchunguza, au chini ya kifungu kidogo cha (1), ana sababu za kuamini pasipo shaka kuwa mali yoyote inayohusiana na uchunguzi au upelelezi au ukaguzi uliofanyika kwa njia ya uhalifu na kuna uwezekano mali hizo zikafichwa, kuhamishwa au kutumika kwa njia yoyote na kupeleleza kuweza kukwamisha kazi ya kutaifishaji mali hizo chini ya sehemu hii anaweza kutoa amri ya kukamatwa kwa mali hizo.
(4) Endapo mali husika kulingana na kifungu kidogo cha (3) zitahamishwa, uhamishaji huo utakuwa batili.
(5) Afisa anayefanya mahojiano, upelelezi au uchuguzi, ndani ya siku
thelethini anaweza kumuita mmiliki wa mali atoe maelezo kuhusu kipato chake au mali husika kwa jinsi au njia gani alizozipata na aeleze ni kwanini mali zake zote au sehemu ya mali zake zisijulikana kuwa zilipatikana kwa njia za uhali na kwanini zisitaifishwe.

(6) Endapo mhusika hakuitikia wito wa afisa muidhiniwa kwenda kutoa utetezi wake ndani ya kipindi kilichotolewa, afisa huyo anaweza kuendelea kurekodi matshekeo kwa kuzingatia ushahidi uliopo mbele yake.

53. Katika mashauri yoyote chini ya Sehemu hii, jukumu la kuthibitisha kuwa mali yoyote haikupatikana kihalali litakuwa juu ya mshtakiwa.

54.- (1) Endapo afisa muidhiniwa atatamka kwamba mali yoyote ipo kwa ajili ya kufulisiwa na Serikali na sehemu ya chanzo cha mali imehhibitishwa bila shaka yeyote na afisa muidhiniwa kwamba imepatikana kwa njia isiyo halali kwa aliyeidhinishwa, afisa huyo anaweza kutoa amri ya chaguo kwa mtu aliyeathirika kulipa fedha kiasi ambacho kina kwanini sawa na thamani ya soko ya mali hiyo.

(2) Mtu yeyote ambaye hajaridhika na uamuzi wa afisa aliyeidhinishwa anaweza ndani ya siku thelathini kutoka tarehe ya uamuzi kukata rufaa Mahakama Ku.

55.- (1) Endapo mali yoyote inapotangazwa kufulisiwa na Serikali au mtu aliyeathirika na uamuzi anashindwa kulipa fedha mbadala wa sehamu yoyote ambayo inapaswa kufulisiwa, afisa aliyeidhinishwa anaweza kutoamini kuwa mali yoyote aliyeathirika au mtu mwingine ambaye anaweza kuwa ni mmiliki wa mali hiyo kuisalimisha au kujivua umiliki.

(2) Mtu yeyote ambaye anakataa au kushindwa kufuata amri iliyo tolewa chini ya kifungu kidogo cha (1), anatenda kosa, na Mamlaka inaweza kuchukua umiliki wa mali, na kwa lengo hilo Mamlaka inaweza kutumia nguvu kadiri itakavyoona inafaa.

56.- (1) Serikali ya Jamhuri ya Muungano inaweza kuingia katika makubaliano-

(a) na Serikali ya nchi nyingine yoyote:

(i) kuweka utaratibu wa kukomboa na kukabidhiana umiliki wa mali kwa Serikali ya Jamhuri ya Muungano, kwa mali yoyote iliyo filisiwa ambayo ipo katika nchi hiyo; au
(ii) kufuatilia na kutunza mali yeyote katika nchi hiyo inamiliikiwa au iliyopo chini ya udhibiti wa mtu yeyote ambaye ana, au anatuhumiwa ametenda kosa chini ya Sheria hii.

(b) kwa msingi wa uwiano na Serikali ya nchi nyingine:
   (i) kuhusiana na kukomboa na kukabidhi umiliki kwa Serikali ya nchi hiyo mali yoyote iliyopo katika Jamhuri ya Muungano ambayo imetaifishwa au kufilisiwa na mamlaka ya nchi hiyo kutokana na maamuzi ya Mamlaka kwa mtu yeyote kwa kosa dhidi ya sheria husika ya nchi hiyo; au
   (ii) kwa kutunza mali yoyote katika Jamhuri ya Muungano ambayo inamiliikiwa na au ipo chini ya udhibiti wa mtu yeyote ambaye anatuhumiwa kutenda kosa dhidi ya sheria husika.

(2) Hakuna katika kifungu kidogo cha (1) kitakacho chukuliwa kama kinazua kwa Mamlaka. Vyanzo vya jinai kama inavyoelezwa katika Sheria ya Makubali ano Katika Masuala ya Jinai.

SEHEMU YA SITA
MFUKO WA KUPAMBANA NA DAWA ZA KULEVYA

57. Mamlaka itaaanzisha kwa Notice katika Gazeti la Serikali mfuko utakaojulikana kama Mfuko wa Kupambana na Dawa za Kulevya.

58. Vyanzo vya mapato vya Mfuko vitajumuisha-
   (a) fedha zitakazotengwa kwa ajili ya Mfuko na Bunge;
   (b) kiasi cha fedha kitakachopatikana kwa kuza mali iliyo fishwa chini ya Sheria hii;
   (c) mkopo usio na riba, zawadi na michango itakayotolewa na mtu yeyote au taasisi;
   (d) fedha yoyote iliyo kopwa au kupokelewa au kupatikana kwa madhumuni ya kazi za Mfuko.

(2) Mfuko utatumiwa na Mamlaka kugharamia matumizi yanayotokana na hatua zitazochukuliwa katika kupambana na usafirishaji haramu na kuthibiti matumizi ya dawa za nakotiki na saikotropiki.

(3) Kamishna Mkuu atakuwa afisa masuuli wa Mfuko.

59. Mamlaka itakuwa na bajeti yake kwa ajili ya kuendeshe shughuli zake za utawala za kuthibiti dawa za Kulevya na kusaidia shughuli maalumu, matukio maalumu au jitihada zinazochukuliwa na ofisi za umma na taasisi.
pamoja na vyama vinavyoshiriki katika jitihada za kuthibiti matumizi na biashara ya dawa za kulevya.

60.- (1) Mamlaka itaweka vitabu vya mahesabu na kutunza kumbukumbu sahihi za shughuli za Mfuko kwa mujibu wa viwango vya hesabu vinavyokubalika.

(2) Mfuko wa Mamlaka kila mwisho wa mwaka wa fedha, utakaguliwa na mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali

(3) Mamlaka itawasilisha kwa Waziri taarifa zilizokaguliwa na taarifa ya mwisho wa mwaka ikiwa ni pamoja na taarifa za kina kuhusu shughuli za mfuko kwa kila mwaka wa fedha unaoisha tarehe 30 Juni.

(4) Waziri atawasilisha Bungeni maelezo ya mahesabu yaliyokaguliwa.
SEHEMU YA SABA
MASHARTI YA JUMLA

61. Mamlaka itachapisha taarifa za kila mwaka zikielezea hali ya taifa ya dawa za kulevya na maendeleo yake kuhusu usambazaji na mahitaji ya dawa za kulevya na kutengeneza mapendekezo yatakayo amasisha shughuli za udhibiti wa dawa za kulevya na taarifa hiyo itatolewa Bungeni.

62. Hakuna shauri lolote, shtaka au hatua nyingine za kisheria zitakazochukuliwa dhidi ya mamalaka au afisa yeyote wa serikali au mtu mwingine yeye anayetumia mamlaka na kufanya kazi zozote au majukumu yoyote chini ya sheria hii kwa chochote alichofanya kwa nia njema au kukusudiwa kufanya chini ya sheria hii, kanuni au amri iliyo tolewa chini yake.

63. Pale ambapo chini ya sheria hii Mamlaka impepewa uwezo wa kutengeneza Kanuni, inaweza wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza Kanuni, inaweza wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia mikataba ya kimataifa wakati wa kutengeneza kanuni kuzingatia.

64.- (1) Serikali inaweza, kuanzisha vituo vingi vya tiba kama itakavyoona inafaa kwa ajili ya kutumbua, kutibu, kuelimisha, kuwatumia, kuwarudisha katika hali ya awali, kuwarudisha katika jamii watumiaji na kusambaza kwa kufuata masharti yaliyotolewa na kwa namna ambayo itaelezea na Mamlaka kuhusu dawa za nakotiki na saikotropiki na kwa watumiaji waliojiriwa katika vituo vya tiba vya wengine ambao usambazaji huu unatokana na ulazima wa tiba.

(2) Mamlaka inaweza kutengeneza kanuni kwa ajili ya kuanzisha, kuteua, kutunza, kusimamia na kusambaza dawa za nakotiki na saikotropiki kutoka katika vituo vya tiba vya wengine ambao usambazaji huu unatokana na ulazima wa tiba.

65. Mahakama ya madai haitashughulikia kesi au mwenendo dhidi ya
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uamuzi wowote unaofanywa au amri inayotolewa na Afisa yeyote au mamlaka chini ya sheria hii juu ya masuala yafuatayo-
(a) kushikilia, kukataa au kufuta leseni yoyote ya ulimaji mibaruti afyuni;
(b) upimaji, uchunguzi na upembuzi kutokana na ubora na kiwango cha kasumba na kupunguza au kuongezwa kwa ubora wa nyongeza ya kiwango cha bei utakaopangwa kulingana na ubora utakaofanywa kutokana na uchunguzi huo;
(c) kutaifisha kasumba ambayo umechanganywa na vitu vingine.

66. Mamlaka inaweza kutoa maelekezo kadiri itakavyoona inafaa kwa Idara yoyote ya Serikali kuhusiana na utekelezaji wa masharti ya Sheria hii, na idara hiyo itafuata maelekezo hayo.

67. Mamlaka inaweza, kwa tangazo lililochapishwa katika Gazeti la Serikali, kukasimu, kwa mujibu wa masharti na kwa ukomo kama itakavyoelezewa katika Tangazo, mamlaka hayo na kazi zake chini ya sheria hii, isipokuwa mamlaka ya kutengeneza Kanuni, kama itakavyoona inafaa, kwa mamlaka yoyote au Kamishna Mkuu.

68.- (1) Kwa mujibu wa masharti ya Sheria hii, Waziri anaweza kwa notisi itakayotangazwa katika Gazeti, kutengeneza kanuni kwa ajili ya utekelezaji bora wa madhumuni ya Sheria hii.
(2) Bila ya kuathiri mamlaka ya kifungu kidogo cha (1) kanuni zitahusu mambo yafuatayo-
(a) namna ambayo kiwango cha asilima wakati wa uandaaji wa kimiminika kitakavyopimwa;
(b) aina ya makubaliano yatakavyotekelwa na makuhia mtu mzima aliypatikana na hatia kwa ajili ya matibabu chini ya kifungu cha 32(1) na dhamana itakavyoteleza mtu huyo kabla ya kuachwa baada ya kupewa onyo chini ya kifungu cha 32(2);
(c) mamlaka au mtu ambaye nyaraka impeokelewa kutoka sehemu yeyote nje ya Jamhuri ya Muungano itathibitishwa;
(d) utaratibu wa masharti wa namna mali zilizotaifishwa au kufilisiwa zitakavyosimamia;
(e) uuzaji wa vifaa au vitu vilivyotaifishwa chini ya sheria hii;
(f) uchukuaji sampali na upimaji na uchambuaji wa sampali hizo;
(g) tuzo watakazopewa maafisa, watoa taarifa na watu wengine;
(h) masharti na utaratibu ambao madawa ya nakotini na saikotipiki
Matumizi ya Sheria ya Usimamizi ya matumizi ya Sheria ya Forodha

Kufutwa kwa Sheria na kuruhusu baadhi ya masharti

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yanaweza kusambazwa kwa ajili ya matumizi ya tiba kwa watumiaji madawa walisajiliwa na Serikali na wengine, kwa mujibu wa masharti ya sheria hii;

(i) jambo lolote ambalo Waziri atalielezea.

69.-(1) Makatazo yote na mazuio yaliyoweza kwa sheria hii juu ya kuingiza ndani ya Jamhuri ya Muungano, kupeleka nje ya Jamhuri ya Muungano na kupitisha dawa za nakotiki au saikotropiki, zitachukuliwa kuwa ni makatazo na mazuio yaliyoweza kwa sheria ya Usimamizi wa Forodha, na masharti ya sheria hiyo yatatuma na ipasavyo.

(2) Iwapa kufanya kitu chochote ni kosa chini ya Sheria ya Usimamizi wa Forodha na chini ya Sheria hii, basi Sheria ya Usimamizi wa Forodha haitazuia mhalifu kuadhibiwa chini ya Sheria hii.

70.-(1) Sheria ya Kupambana na Biashara Haramu ya Dawa za kulevya imefutwa.

(2) Bila ya kuathiri kufutwa kwa sheria, kitu chochote kilichofanywa au hatua yoyote iliyochukuliwa au inayotaka kuchukuliwa au kufanywa chini ya sheria iliyo futwa chini ya kifungu kidogo cha (1), isipokuwa kama haiendi kinyume na masharti ya sheria hii itachukuliwa kuwa imefanywa chini ya masharti ya Sheria hii.

(3) Hakuna katika Sheria hii au Kanuni yoyote inayotungwa itaatihiri kitendo chochote kinachoteklezwa kisheria kwa wakati huo au Kanuni yeyote iliyo tungwa ambayo inaweka katazo au kutoa adhabu ambayo haitolewa chini ya Sheria hii au kuweka ziuo au kutoa adhabu ya juu zaidi ya katazo lililoweka au adhabu husika iliyo tulewa kwa ajili hiyo au chini ya Sheria hii kwa ajili ya kulima mimea ya bangi au matumizi au biashara ya dawa za nakotiki au saikotropiki ndani ya Jamhuri ya Muungano.

MADHUMUNI NA SABABU

Muswada huu unapendekezwa kutungwa kwa Sheria ya Kuzuia na Kupambana na Dawa za Kulevya mwaka 2015.

Madhumuni ya Muswada ni kuanzisha mamalaka ya kuzuia na kudhibiti dawa za kulevya kwa lengo la kuhakikisha udhibiti na uzuiaji wa dawa za kulevya na kufutwa kwa Sheria ya Kuzuia na Kupambana na dawa za Kulevya ya mwaka 1995.
Muskwada umegawanyika katika sehemu kuu Saba:

Sehemu ya Kwanza inahusu masuala ya utangulizi, kama vile jina fuli la sheria, na tafsiri ya maneno mbalimbali yaliyotumika katika Muskwada.


Sehemu ya Tatu inatoa makatazo ya kumiliki usafirishaji wa dawa na ulimaji wa mimea inayohusika na dawa za kulevya. Sehemu hii pia inaweka makatazo ya kumiliki, kusafirisha, kununua, kutengeneza dawa za kulevya na kutoa adhabu kwa watu ambao wanakukwa masharti yaliyowekwa katika shughuli za kulevya. Vile vile, sehemu hii inatoa adhabu kwa watu ambao anatenda kazi za utengenezaji wa dawa za kulevya na pia inatupa adhabu kwa watu ambao wanaumiliki ya dawa moja kwa moja kwa kutoa fedha katika shughuli za kulevya. Aidha, sehemu hii inatoa adhabu kwa watu ambao wanaumiliki ya dawa kama moja kwa moja kwa kutoa fedha kwa watu ambao wanaumiliki ya dawa moja kwa moja kwa kutoa fedha.

Sehemu ya Nne inaweka masharti ya kukamata kitu ambacho kimepatikana na dawa za kulevya. Vile vile sehemu hii ina w泽 kazi na kulevya, kama vile jina fuli la sheria, na tafsiri ya maneno mbalimbali yaliyotumika katika Muskwada.

Sehemu ya Tano inaweka masharti ya kukamata bidhaa zinazotokana na dawa za kulevya na kuweka katazo kwa umiliki wa vitu vilivyovipatikana kii haramu kutokana na kuwuka dawa za kulevya. Aidha sehemu hii inaweka masharti ya kulevya kulingana na ukubwa wa kosa lita kulaotendwa.
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iwapo itasadikika kuwa mali hiyo aliyokuwa nayo imepatikana isivyo halali. Sehemu hii pia inaweke utaratibu wa ufuatiliaji na utambuzi wa mali ambazo zimepatikana kwenye Serikali ya nchi nyingine na kuweka masharti ya upatikanaji wa mali hizo kwa ajili ya Serikali ya Jamhuri ya Muungano.


Sehemu ya Saba inahusu masuala ya yumla ikijumuisha hatua zinazopaswa kuchukuliwa iwapo mtu atafanya kitu kwa nia njema wakati wa utekelezaji wa shughuli zinazohusiana na dawa za kulevya. Aidha inampa mamlaka Waziri kutengeneza Kanuni na pia kuipa mamlaka Serikali kuanzisha vituo kwa ajili ya utambuzi, matibabu, elimu, kuwarejesha watu walioathirika na dawa za kulevya ili watu hao waweze kurudi katika hali ya kawaida.

Dar es Salaam,
27 Oktoba, 2014

MIZENGO P. PINDA
Waziri Mkuu