

LEAD DEBATE

A BILL FOR AN ACT TO AMEND THE FOOD, DRUGS AND RELATED PRODUCTS (REGISTRATION, ETC.) ACT CAP. F33 LAWS OF THE FEDERATION OF NIGERIA, 2004 TO INCREASE THE FINE AND CONFER JURISDICTION ON HIGH COURT OF THE STATE TO TRY OFFENCES UNDER THIS ACT; AND FOR RELATED MATTERS
SPONSORED BY HON. BETTY APIAFI

PREAMBLE

Mr. Speaker, Distinguished colleagues, in Nigeria, between January and December 2015, one thousand and forty four **(1044)** patients were admitted for treatment in the 11 treatment centers currently part of the Nigerian Epidemiological Network on Drug Use (NENDU) reporting system. **28.3%** of the patients had an **opiate** addiction. and the opiates were mainly prescription medicines: tramadol **(71% of opiates as 1st most frequently used substance and specified)**, codeine **(15.1%)** and pentazocine **(9.9%)**. Heroin and morphine represented only 3.3% of the opiates declared.

Since 2015, Codeine has nearly overtaken tramadol as the most abused opiate in Nigeria. Thousands of young people in Nigeria are addicted to codeine cough syrup – a medicine that's become a street drug. Three million bottles are drunk every day in Nigeria's north alone, according to a recent Nigerian government report.

Also the World Health Organization, WHO estimated in 2011, that **64%** of antimalarial drugs in the Country were found to be counterfeit. It is assessed that counterfeit drugs provide approximately **\$75billion** in revenue annually to illegal operators and have caused more than 150,000 deaths worldwide.

One of the major causes of the high existence of counterfeit and unregistered foods and drugs in Nigeria is the weak and inadequate legislative provisions of the existing Food, Drugs and Related Products (Registration, Etc.) Act.

The recent ban of the production and sale of Codeine cough syrups in Nigeria by the Federal Government although untimely, is definitely a step in the right direction and we as Legislators must also do our part in this war against commercialization of illegal and unregistered Foods and Drugs.

I therefore urge you Colleagues that we amend the existing Act in order to plug the loopholes therein and secure the well-being of our people and our nation as a whole.

PRINCIPLE OF THE BILL

This bill seeks to amend the Food, Drugs and Related Products (Registration, Etc.) Act Cap. F33 Laws of the Federation of Nigeria, 2004 to to review the penalties and confer jurisdiction on High court of the State to try offences under this Act

This Bill is a forthright amendment that aims to modernize the Principal Act to reflect the realities on ground in relation to penalties for any person guilty of an offence under the principal act and properly place Jurisdiction for trial of offences under this Act in the hands of the High Court of the State

BENEFITS OF THE BILL

The Principal Act which was birthed 25 years ago on the 27th of January, 1993 has yet to see any amendment or reform up until now.

- The amendment of Section 6 of the Principal Act by substituting the expression "N50, 000" in paragraph (a) line 1 for the expression "N500, 000" increases the fine liable to be paid by any person convicted of an offence under this Act. This increase will serve as deterrent to the general public from engaging in any such acts that can be considered as offences under the Principal Act.
- In a similar manner, the amendment of Section 6 of the principal Act by substituting the expression "N100,000" in paragraph (b) line 1 for the expression "N2,000,000" increases the fine liable to be paid by any person convicted of an offence under this Act thereby serving a further deterrent to corporate bodies, perpetrators and the public at large. **NOTE : A typographical error was made in the gazette copy of this bill placing "N200,000" instead of "N2,000,000"**
- The expression "person" in Section 7(e) of the Principal Act was too vague. Hence, it was substituted with a new expression "officer" for more clarity.
- The amendment of Section 9 of the principal Act by substituting for subsection (1) a new subsection (1) "The High Court of a State shall have jurisdiction to try offences under this Act" and the word "Tribunal" wherever it appears in this Section with the words "High Court" clearly places the High Court of a state at the fore front of trial of offences under this Act to help speed up the Judicial processes necessary for conviction or acquaintance of accused persons
- The amendment of Section 13 of the principal act by substituting the word "formulating" in the definition of Drug Product with the word "formulation"

CONCLUSION

Essentially this bill pursues to strengthen the Principal Act by increasing and clearly stating the penalties for offenders and giving the High Court of a State jurisdiction to try offences under the Principal Act to align it with current world best practices and the core principles of the Act.

