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MAKURDI/GUMA FEDERAL CONSTITUENCY

10th October, 2017

LEAD DEBATE ON TWO INTER-RELATED BILLS:

- 1. AMENDMENT OF THE NATIONAL TOBACCO CONTROL ACT &**
- 2. AMENDMENT OF THE NATIONAL AGENCY FOR FOOD AND DRUG ADMINISTRATION AND CONTROL.**

BY HON. DICKSON TARKIGHIR

Mr Speaker, My Honourable Colleagues,

I come before you Mr Speaker and most honourable Colleagues, to seek audience and hopefully, your kind support on two inter related bills that seek to reside the implementation of the **National Tobacco Control Act** with the **National Agency for Food and Drug Administration and Control (NAFDAC)**.

The House should note that the **National Tobacco Control Act** passed and signed into law in 2014, has put the implementation of that Act in an establishment that may or may not exist depending on what ministries a sitting President chooses to run their administration with. The implementation of the said Act lies with a committee to be set up by a Minister of Health.

Indeed, the formation of such committee to implement this Act suffered a major and needless drag as it took several months for the current President to announce his cabinet from whence the person designated to head the Health Ministry would then set such committee that would see to the implementation of the Tobacco Control Act.

This is an especially curious development given the plethora of regulatory bodies whose very existence is backed by law and which agencies are staffed by career civil servants who continually improve their industry knowledge as they carry out outlined chores guided by civil service disciplinary rules.

Mr Speaker, my dear Colleagues, not only is Tobacco listed on the Nigeria Stock Exchange market under **Food Beverages and Tobacco** category, which would also make sense to have the law controlling Tobacco be exercised by the agency of government already dedicated to food and drugs, we also have a compelling example in the successes of the **United States'** Food and Drug Administration (**FDA**) agency as it relates to implementing Tobacco control laws in the USA.

There are bilateral inter agency relationships that our agencies also engage in and it is effective legislation if we are also looking to domesticate successful trends and habits elsewhere so that we are better able to achieve the intentions behind our laws. Where we already have an agency that can carry out an activity carried out by its counterparts elsewhere, we must strive to avoid duplicity and instead, ensure that we are diligently appropriating more responsibilities to such agencies so that as they partner and share knowledge and ways of doing business with their counterparts, their capacities are enhanced over all.

It is also worrying, Mr Speaker, my dear colleagues that, after such concerted effort at finally regulating the Tobacco market through specific legislation, we would then burden the exercise of that law with more bureaucracy by insisting in the existing law to have the Committee/ministry come back to the National Assembly for approval of both Houses on any other regulatory measure it would deem appropriate in the exercise of the National Tobacco Control Act. Our laws always carry with them a modicum of delegated authority and we cannot let the case be different because we are dealing with big Tobacco.

The Tobacco market in Nigeria is a multi-billion naira market and we cannot let it be without regulation. Owing to the obvious health risks consumption of tobacco portends to smokers and those inhaling it from how much of it is in the air, we cannot allow our laws on the subject lie waste because some committee hasn't been formed or formed on such partisan basis as to make

the serious business of implementing this law appear shoddy or toothless. For a commodity with the sheer propensity of exerting huge public health burdens through a variety of costly ailments, our approach to the industry must reflect the seriousness it earns.

Now, we do not want to regulate Tobacco companies out of business here in Nigeria. That's not even nearly possible. Tobacco companies, for example, are in countries that have a population of 20 million people, more or less. If 10% of such populations are smokers and these companies are drawing profits from those shores consider what, with our population of close to 200m people, the Tobacco companies make. Kano State alone drives revenues into the pockets of Tobacco companies more than the entire national markets in places like Ghana, Togo or Mali. The market continues to grow at an annual growth rate of 5%.

A mere committee to implement laws for such an industry is child's play. That we find a mere ministerial committee fit to implement laws or any law that we spend a great deal of research, time and resources on, is an oversight we must quickly address.

Mr Speaker, Honourable Colleagues, I do not come here asking that we amend the spirits and letters of the National Tobacco Control Act 2015. I ask only that we vest the exercise of this law in a proper regulatory Agency established by an Act of this institution. This is why I also include the small matter of amending the **National Agency for Food and Drugs Administration and Control (NAFDAC) Act** in order to create a **Directorate of National Tobacco Control** and in it, the **National Tobacco Control Unit** and the **Tobacco Control Fund**.

I thank you very much for your time, Mr Speaker and Honourable Colleagues and I ask most humbly that we all should support the passage of these amendment bills so that the intentions of our laws are brought to bear even in this industry. Thank you.