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(HANSARD)

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THIRD SESSION - FIRST MEETING

WEDNESDAY, 16 AUGUST 2023



IN THE PARLIAMENT OF UGANDA

Official Report of the Proceedings of Parliament

THIRD SESSION - 18TH SITTING - FIRST MEETING

Wednesday, 16 August 2023

Parliament met at 2.14 p.m. in Parliament House, Kampala.

PRAYERS

(The Deputy Speaker, Mr Thomas Tayebwa, in the Chair.)

The House was called to order.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Honourable colleagues, I welcome you to today's sitting. Next item, please. *(Laughter)*

MOTION FOR ADOPTION OF THE
REPORT OF THE COMMITTEE
ON FINANCE PLANNING AND
ECONOMIC DEVELOPMENT ON THE
MICRO-FINANCE DEPOSIT TAKING
INSTITUTIONS (REVISIONS OF
MINIMUM CAPITAL REQUIREMENTS)
INSTRUMENT, 2022

THE DEPUTY SPEAKER: Thank you. Honourable colleagues, as you recall, the committee presented this item and there was a minority report, which raised critical issues, especially around consultations. The House agreed that the committee goes back and reconciles. I am made to understand that now we have a common position on the matter. Therefore, Chairperson, Committee on Finance, Planning and Economic Development – but I was with the chairperson a few minutes ago.

2.17

MR KARIM MASABA (Independent, Industrial Division, Mbale City): He is coming in.

THE DEPUTY SPEAKER: That is not how we run parliamentary business. It is run from here, not from anywhere else. Hon. Silwany, do you have an issue?

2.17

MR SOLOMON SILWANY (NRM, Bukooli County Central, Bugiri): Thank you, Mr Speaker, especially for always keeping time. When you call a chairperson or a Member of this House and they are not available, when you, the Speaker, who is sometimes more engaged than us is already here, I think it would only be fair that you skip that item and we go to the next.

THE DEPUTY SPEAKER: My team can get the chairperson. We have been together for a brief. You know sometimes, you might think we will start with issues of national importance and so on. It is not every day that communication should be that long. I have communicated by welcoming you and that is the issue I had; nothing else beyond that. Hon. Ssemujju, you have a procedural point?

MR SSEMUJJU: Mr Speaker, the rules require that if the Order Paper is going to change, you do so formally. The first item on the Order Paper is Communication from the Chair. The same rules provide for responses. If I did not hear you properly, I am sorry, but

I did not hear you alter the Order Paper to remove Communication from the Chair. I only heard you saying, “Next item,” which is not communication.

THE DEPUTY SPEAKER: Thank you. Let me make it very easy for you. The first item on the Order Paper is Prayer, not Communication from the Chair, and we prayed. Let the *Hansard* first clear that, from what you said. Number two, I communicated. I do not know how long you wanted my communication to be, but since it is from me, I am satisfied with what I have communicated. That is why I said let us go to the next item. Further procedure?

MR KIRUMIRA: Thank you, Mr Speaker. I am wondering if it is procedurally right, as we wait for the chairperson, for us who have matters of national importance –

THE DEPUTY SPEAKER: We are not waiting for anyone. If you have a procedural matter, raise it as such, but not because we are waiting for anyone. Otherwise, I am going to call another item – next item. (*Laughter*)

BILLS SECOND READING

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) BILL, 2023

THE DEPUTY SPEAKER: Point of order?

MR SSEWUNGU: Mr Speaker, the honourable member here is not on side and his ideologies do not tally with ours. I know you ruled one time that the Opposition sits on this side. So, is the honourable member from the MK diehards in order to come and make me feel uncomfortable on my side?

THE DEPUTY SPEAKER: Honourable colleague, please go to your side because I have not declared any free sitting today. There is also a declaration I made here that the front bench on my left is for the Shadow Cabinet. If you know you are not a shadow minister, go back. However, if you know you are a shadow

minister and you are seated behind, please come and occupy your rightful position. I want people to know the Cabinet on the other side.

Point of procedure, honourable.

MR OTIMGIW: Thank you, Mr Speaker. I am rising on a procedural matter regarding the item we are about to focus on now; the Narcotics Bill. We are aware that it was first sent to the Committee on Defence and Internal Affairs and then the Committee on Health.

The fact that this Bill is actually being handled by two committees, we expected that the two committees would meet and harmonise.

THE DEPUTY SPEAKER: Honourable member, that is rule 80; anticipation. Allow the process to flow; you can raise such issues during debate, but not now. Rule 80 stops you from doing that.

2.26

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, in keeping with Rule 131 of the Rules of Procedure of the Parliament of Uganda, I beg to move that the Bill entitled, “The Narcotic Drugs and Psychotropic Substances (Control) Bill No. 14 of 2023” be read for the second time.

THE DEPUTY SPEAKER: Is the motion is seconded? It is seconded by:

Hon. Silwany Solomon, all UPDF Members, Hon. Macho, Hon. Mwijukye the Chief Whip, the Attorney-General, Hon. Itungo, Hon. Songa, the Chairperson of the Committee on Health, Hon. Bwanika, and many other Members of the House.

Thank you. Honourable minister, would you like to speak to your motion? Just briefly go through the principles and objectives.

GEN. MUHOOZI: Mr Speaker, I briefly want to speak to the motion as follows. This Bill was read for the first time on 23 May 2023 and referred to the Committee on Defence and

Internal Affairs for scrutiny under Rule 129(1) of the Rules of Procedure of Parliament.

The Bill is a repository of the latest bolstered efforts against the illicit supply and use of narcotic drugs and psychotropic substances in the wake of the annulment, by the Constitutional Court in 2017, of the previous law. This left a vacuum that Government now seeks to fill in order to align to international best practices and enhance enforcement and prevention measures, as well as the care and management of persons with disorders related to these substances.

The risks posed by narcotic drugs and substances trafficking, and use, are far-reaching and if untamed in time, adversely affect the country economically, socially, politically and even in terms of security.

This Bill, therefore, seeks to domesticate international enforcement best practices and also:

- a) provide deterrent measures against local drug abuse;
- b) establish mechanisms for the rehabilitation of drug addicts;
- c) put in place measures to save Uganda from being a transit route and consumer of drugs;
- d) facilitate cooperation with the international community in the fight against narcotic drugs and psychotropic substances trafficking; and
- e) establish mechanisms for generating resources for law enforcement agencies.

I beg to submit, Mr Speaker.

THE DEPUTY SPEAKER: Thank you, honourable minister. Committee chairperson, are you ready?

2.26

THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS

(Mr Wilson Kajwengye): Mr Speaker, I am here to present a Report of the Committee on Defence and Internal Affairs on the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023.

However, before I do that, I wish to lay on Table the minutes of the meetings of the Committee on Defence and Internal Affairs and a copy of the report, although it was earlier on uploaded. I beg to lay.

Mr Speaker, the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023 was read for the first time on 23 May 2023 and referred to the Committee on Defence and Internal Affairs for scrutiny under Rule 128 (1) of the Rules of Procedure of Parliament. The committee has considered the Bill, in consultation with various stakeholders, and now wishes to report under rule 129(2).

Background

In a bid to bolster efforts against the supply and use of illicit drugs and substances, the Government introduced the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023 in Parliament. This followed the nullification of the Narcotic Drugs and Psychotropic Substances (Control) Act, 2015, by the Constitutional Court in the petition of *Wakiso Miraa Growers and Dealers Association v Attorney-General, Constitutional Petition No.1 of 2017*, for lack of quorum by Parliament while passing the Bill into law.

The nullified Narcotic Drugs and Psychotropic Substances (Control) Act, 2015 consolidated all laws relating to the control, possession and trafficking of narcotic drugs and psychotropic substances, and the cultivation of certain plants.

Consequently, the Government, re-tabled the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023 for first reading on 23 May 2023, to provide remedies intended to suppress the problems related to drug trafficking and

abuse, to promote international cooperation and to provide law enforcement agencies with resources to use to curb the problem.

Policy and principles of the Bill

The policy behind the Bill is to adopt measures to criminalise drug-related offences under the domestic law in conformity with Article 3 of the United Nations Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and other related international conventions.

The Bill is also intended to make provision for mechanisms to generate resources for law enforcement agencies through confiscating money and properties obtained from illicit trading in drugs, provide deterrence against local drug abuse and put in place a mechanism for rehabilitating drug addicts.

The objects of the Bill

The Bill seeks to:

- a) provide deterrent measures against local drug abuse;
- b) establish mechanisms for the rehabilitation of drug addicts;
- c) put in place measures to save Uganda from being a transit route and consumer of illicit drugs;
- d) facilitate cooperation with the international community in the fight against drug trafficking; and
- e) establish mechanisms for generating resources for law enforcement agencies.

Relevance of the Bill

Following the nullification of the Act, there is currently an absence of legislation to deal with the increasing cases of drug trafficking and abuse.

The National Drug Policy and Authority Act, Cap 206, in relation to drug abuse, is very weak and does not adequately address cases of illicit drugs, especially in the face of Uganda risking being a transit route for drug consumers.

Methodology

Mr Speaker, the committee met with and received written memoranda from the following agencies, ministries and bodies:

- i) Ministry of Internal Affairs;
- ii) Ministry of Health;
- iii) Directorate of Government Analytical Laboratories;
- iv) Butabika National Referral Hospital;
- v) Criminal Investigations Department, Uganda Police Force;
- vi) National Drug Authority;
- vii) Centre for Legal Aid;
- viii) Wakiso Miraa Growers and Dealers Association Limited;
- ix) Uganda Medical Cannabis and Hemp Industry Association;
- x) Industrial Hemp Uganda Limited;
- xi) Human Rights Awareness and Promotion Forum;
- xii) Uganda Youth Development Network;
- xiii) Legal Brains Trust;
- xiv) Pearls of Africa CBD Limited;
- xv) Members of the Rastafari Community Uganda; *(Laughter)*
- xvi) Hon. Ambassador James Baba, Member of Parliament, Koboko, who was the sponsor of the Bill that was nullified; and

xvii) The committee also made abundantly available, time and listened to presentations from the Hon. Muwanga Kivumbi, the Member of Parliament for Butambala County.

Document review

The committee referred to the following documents:

1. The Constitution of the Republic of Uganda –(Interruption)

MR SSEMUJJU: Thank you, Mr Speaker. We are processing a law that ran into trouble. Since we have the Attorney-General, I seek your indulgence for him to help us understand on whether by having another serving military officer, Gen. David Muhoozi, involved in matters that should be brought here by a civilian – there is something wrong with generals with that name – we will not run into the same problem.

This Parliament set a precedent. When Gen. Jeje Odongo was appointed minister, Parliament refused to approve him until he resigned. I now see another general - people will go to court to challenge this. The Attorney-General can tell us whether Gen. Muhoozi can engage himself in partisan issues.

THE DEPUTY SPEAKER: Thank you. Hon. Ssemujju, we are processing a Government Bill sponsored by the Minister of Internal Affairs, Maj. Gen. Kahinda Otafiire, who is a retired army officer. So, when we are addressing these matters, we go to who sponsored the Bill.

However, even then, Gen. Muhoozi is here as an elected Member of Parliament. He has the same rights as you do because the Constitution provides for election of Members of Parliament to represent the Uganda People's Defence Forces. (Applause) Unless we amend the Constitution, whatever he says here is substantively provided for under the law. Thank you.

Now, let us move on - I know you have a problem with the name, Muhoozi, may be we will advise him to change his name so that you are comfortable when he is here.

MR KAJWENGYE: Thank you, Mr Speaker, for your wise ruling.

Document review

The committee referred to the following documents:

- i) The Constitution of the Republic of Uganda (As amended), 1995;
- ii) The National Drug Policy and Authority Act;
- iii) The Medical and Dental Practitioners Act, Cap 27;
- iv) The Pharmacy and Drugs Act, Cap 280;
- v) The Veterinary Surgeons' Act, Cap 277 –

THE DEPUTY SPEAKER: But colleagues, when did procedure issues start coming in when reading reports? The chairman is reading a report. Yes, Hon. Ruhunda.

MR RUHUNDA: With due respect, Mr Speaker, I notice that the chairperson's report is a very long one. If we go page by page, it is going to take us a very long time to process. I would wish that he summarises because we have had this report for some time.

THE DEPUTY SPEAKER: Honourable colleagues, I think this is a problem of us not reading the reports we have. The report being presented by the chairperson is only 15 pages. You might see it as very big, but these are areas proposed for amendment, which we shall handle when we go to the Committee Stage. Otherwise, the report is only 15 pages and he is moving very well. And, this is a Bill which has been repealed by the court, because of not following clear procedures. But it is also a very critical Bill. So, let us give it time. We are

going to give it enough time so we can do a thorough job.

Anyhow, since you have interrupted, honourable colleagues, I want to take the opportunity to announce that in the Public Gallery this afternoon, we have students and teachers of Central College, Kabimbiri, Nakifuma County, Mukono District. They are represented in Parliament by Hon. Nabukeera Hanifa Hussein and Hon. Fred Simbwa. They have come to observe proceedings of the House. Please, join me in welcoming them. You can stand up and colleagues wave at you. Thank you. *(Applause)*

Also, honourable colleagues, in the Public Gallery, this afternoon we have members of the Wakiso Miraa Growers and Dealers Association Limited, an umbrella of the Uganda *Khat* and Miraa Growers and Dealers in Uganda. They have come to observe proceedings of the House, and I see they have some supporters in this House. *(Laughter)*

Committee chairperson, please continue with the report so that we proceed to law-making.

MR KAJWENGYE: Thank you, Mr Speaker. I was on the list of documents reviewed, so we also looked at:

- vi) The Veterinary Surgeons Act, Cap 277;
- vii) The Criminal Procedure Code Act; and
- viii) The Penal Code Act.

We also reviewed international instruments:

- ix) The United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988;
- x) The Single Convention on Narcotic Drugs, 1961; and
- xi) The Convention on Psychotropic Substances, 1971.

Mr Speaker, there are salient observations on the Bill. The question of whether the consideration of the Bill before the committee was subjudice, as provided for under Rule 73 of the Rules of Procedure of Parliament of Uganda.

Mr Speaker, while considering the Bill, the committee established that the Attorney-General had filed a Notice of Appeal (Appendix 1) against the decision of the Constitutional Court in *Constitutional Petition No.1 of 2017, Wakiso Miraa Growers and Dealers' Association versus the Attorney-General of Uganda*, dated 5 May 2023, following the nullification of the impugned Act after the court declared The Narcotic Drugs and Psychotropic Substances Control Act, 2017, null and void, for lack of quorum when it was passed.

The committee wrote to the Attorney-General (Appendix 2), seeking clarification on the status of the appeal.

The learned Attorney-General responded, and his response is Appendix 3, as follows:

1. The Attorney-General's Chambers had not yet lodged a memorandum and record of appeal in the Supreme Court as the record of proceedings has not yet been availed by the Court of Appeal; and
2. A notice of appeal cannot bar Parliament from exercising its legislative function.

Following that advice from the learned Attorney-General, the committee proceeded to consider the Bill.

The Rationale of the Narcotic Drugs and Psychotropic Substances Control Law

Mr Speaker, there is a growing legalisation of drugs, in particular, Cannabis, around the Western world, and currently slowly manifesting in some parts of Africa and Asia.

Increasingly, the circulation of illicit drugs, as a result of the legislation developments on narcotic and psychotropic substances across borders, has shot up due to globalisation.

Illicit drug use is a global public health problem with adverse health effects and socio-economic consequences.

In Uganda, there is increased documented drug abuse particularly among the youth from wealthy families and students, as evidenced by the increasing numbers of youth at Butabika Mental Referral Hospital.

Uganda is a signatory to the United Nations treaties like the Single Convention on Narcotic Drugs of 1961; the Convention on Psychotropic Substances of 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

The treaties contain obligations whose compliance with state parties plays a significant role in controlling the illicit inflow of narcotic drugs within the jurisdictions of state parties.

The committee finds that these treaties impose an obligation on state parties to comply with efforts to control the illicit inflow of narcotic drugs within the jurisdictions of state parties.

Mr Speaker, despite being a state party to the Single Convention on Narcotic Drugs of 1961, Uganda still grapples with drug trafficking.

The three international control conventions are not self-executing and so, their provisions must be incorporated into domestic law by legislative Acts.

The existing National Drug Policy and Authority Act does not explicitly provide for prosecution for drug trafficking in narcotic drugs though it provides for unlawful possession.

The Penal Code Act, Cap 120, contains no provisions directly related to drug use in Uganda.

The narcotic drugs are in various forms, ranging from plant leaves, fresh or dry, to tablets, white powders, and clear liquids.

Because of their pharmacological profile, controlled narcotic drugs and psychotropic substances can compromise health and human

safety if used outside the structure of sound medical practice.

Mr Speaker and dear colleagues, consequently, the 1961 UN Convention calls for establishing a drug control system where State parties commit themselves to accurately and responsibly manage these substances.

Therefore, the Bill before us will address the misuse of narcotic drugs and psychotropic substances. It essentially adopts the approach of controlling narcotic drugs and psychotropic substances concerning the possession, trafficking of narcotic drugs and psychotropic substances, and cultivating certain plants.

The State seeks powers to restrain persons suspected of having committed offences under the Act from using any, or all of their property and to trace, confiscate and consume proprietary rights over persons convicted of specified offences.

The committee observes that if enacted, the Bill will significantly help Uganda's fight against the abuse and trafficking of illicit drugs, both internally and across borders. Additionally, it will create a regulated mechanism of usage and trade in controlled drugs and substances and hence facilitate Uganda's commitment to meet her international obligations regarding the control of drug trafficking.

The mandate of the different ministries under the Bill

The mandate of the ministry responsible for health in the control of narcotic drugs and psychotropic substances is to regulate the permissible use, manufacture and storage of narcotic drugs as provided for by the Single Convention on Narcotic Drugs and Psychotropic Substances of 1961.

The convention recognises that the medical use of narcotic drugs continues to be indispensable for relieving pain and suffering, and that adequate provision must be made to ensure the availability of narcotic drugs for such purposes.

Therefore, the Bill, in clauses 9,10,11 and 14, deals with the restricted use of narcotic drugs prescribed by medical practitioners, pharmacists, dentists, veterinary surgeons and rehabilitation centres under part V regulated by the institutions under the Ministry of Health.

The Ministry of Internal Affairs is responsible for enforcing the law and for conducting investigations in case of breach.

The committee posits that all licences and permits to be issued under this Act should centrally be issued by the Ministry of Health since the permission to use narcotic drugs and psychotropic substances is restricted to only medical purposes.

The Ministry of Internal Affairs should remain the enforcement arm of Government to ensure compliance.

The Highly contested narcotic drugs and psychotropic substances in the Bill

The world over, there is an increasing demand to strike a balance between the management and control of narcotics, under the International Conventions, vis-a-vis the overarching desire to ensure the availability of controlled substances for medical and scientific purposes; whilst preserving mentally stable societies.

The committee, from its interface with stakeholders, gathered sufficient scientific literature and evidence from both the Government and private experts on pharmacology of *Catha edulis* (*Khat*), also locally known as “*Miraa*” or “*Mairungi*” and Cannabis or Marijuana, which are highly contested.

One of the grounds the petitioners put to court for nullification of the law on narcotics and psychotropic substances in the *Wakiso Miraa Growers and Dealers Association Limited v. the Attorney-General of Uganda Constitution Petition No.1 of 2017*, was that the prohibition and criminalisation of the cultivation, possession, consumption, sale, purchase, warehousing, distribution, transportation,

exportation, importation and other dealings in *catha edulis* or *Khat* are incorporation of *Khat* within the definition of the term “psychotropic substances” breached several provisions of the Constitution.

Further, the Fourth Schedule of the Bill under consideration now proposes Cannabis to be regarded as a prohibited plant. As such, the committee deems it necessary to appreciate the pharmacology Cannabis and the effects of *Khat* and Cannabis to inform the House on the plausible way forward.

Cannabis (*Cannabis sativa*) commonly known as marijuana, hemp or *ganja* e.t.c - what does that say about this?

The Director, Government Analytical Laboratory, informed the committee that Cannabis was a flowering plant that produced 120 unique cannabinoids. It includes species of *Cannabis sativa*, *Cannabis indica* and *Cannabis ruderalis*.

These plants’ morphology contains chemical compounds that interact with the endocannabinoid system in the human body, if consumed. This system is critical in various physiological processes including mood, memory, pain, sensation and appetite.

Mr Speaker, the most well-known cannabinoids are delta-9-tetrahydrocannabinol or THC and Cannabidiol CBD. The THC is responsible for the “high” often associated with its consumption. It works by binding the CB1 receptors to the brain, which is mainly found in the central nervous system. CBD is a non-psychoactive cannabinoid that has gained significant attention for its potential therapeutic effects.

Notably, the Director Government Analytical Laboratory informed the committee that Cannabis offers a rich reservoir of bioactive molecules that can be used in pharmaceutical, nutraceutical and cosmetic products. Cannabis materials include dried ground buds, flowers, stems, stalks, leaves and seeds, and can be classified under categories based on the total

THC content. These include:

- i) Low THC Cannabis, that is, derived from Cannabis strains or cultivars bred to have low THC (below the legal threshold defined by each jurisdiction). This is most sought after because of its higher CBD content and potential therapeutic benefits with minimal psychoactive effects;
- ii) High THC Cannabis, which is derived from Cannabis strains bred or selected for their elevated levels of THC (typically above the legal threshold defined by each jurisdiction). This category is mainly sought after by users seeking stronger psychoactive effects and euphoria for recreation purposes;
- iii) Marijuana, that is, mainly derived from Cannabis varieties with higher THC levels and primarily grown for recreational or medicinal use. It is rich in THC and has varying levels of cannabinoids, including CBD;
- iv) Hemp, mainly derived from Cannabis strains with deficient THC levels of 0.3 per cent or less dry weight per cent total THC in the United States and 0.2 per cent THC in many European Union countries. Hemp is cultivated for various industrial purposes including fibre, seeds and CBD extraction. It has minimal psychoactive effects due to its low THC content.

Mr Speaker, currently, the licensing of the cultivation of plants yielding narcotics in Uganda is the responsibility of the Minister of Health, though in consultation with the National Drug Authority under Section 49 of the National Drug Policy and Authority Act, Cap. 206. To this extent, the committee was informed that Industrial Hemp Uganda Limited, a limited-by-guarantee company was one such licenced company currently growing and processing medical Cannabis.

I have provided tables in the report that contain medical pros and cons of Cannabis. I beg that I continue because this literature is provided even if I do not read them. The source of these

is the Directorate of Government Analytical Laboratory so it is an authoritative literature to guide us.

The committee noted that due to its therapeutic characteristics, the importance of Cannabis in the pharmaceutical and healthcare industry is increasingly gaining traction.

Many States in the US and countries in the West have approved medical Cannabis or medical marijuana, and the sector is one of the fast growing markets, as more countries legalise it.

However, the committee observes that whilst some jurisdictions have relaxed restrictions on Cannabis, its abuse over psychotropic effects is more profound. This continues to pose severe risks to public health.

The Directorate of Government Analytical Laboratories revealed that from its statistics of forensic casework between January 2021 and June 2023 – these are recent statistics - it retrieved 178 cases of narcotic drugs, in 2021, 295 cases, in 2022 and 83 cases from January to June 2023.

From these, Mr Speaker, Cannabis was the most abused drug, making 68.2 per cent, in 2021, 80.1 per cent, in 2022 and 76.4 per cent, in 2023. It was found that Cannabis was largely affordable and associated with criminal cases related to theft, burglaries, violence and accidents.

The committee interrogated the efficacy of literature and medicinal effects about *catha edulis* or *Khat*, also locally known as “*Miraa*” or “*Mairungi*”.

The Director of the Government Analytical Laboratory informed the committee that *Khat*, natively grown in East Africa and the Arabian Peninsula, was a flowering evergreen shrub abused for its stimulant-like effect. The leaves are traditionally chewed fresh and sometimes dried for tea or chewable state.

In Uganda, *Khat* has increasingly gained traction as a cash crop due to its associated advantages requiring less labour, small scale

of land for cultivation and ready market for its fresh leaves. *Khat*'s most notable phytochemical compounds include CNS stimulant properties. This is cathinone and cathine, a mild psychoactive alkaloid.

The Director of Government Analytical Laboratory further noted that *Khat* contains several stimulant compounds including cathinone, cathine and norephedrine, which are alkaloids primarily concentrated in the plant's fresh leaves. These are classified as phenethylamines with stimulating effects when chewed.

Cathinone is structurally similar to amphetamines and acts as a central nervous system stimulant. Its effects include increases energy, euphoria and alertness. It is considered the main active compound in fresh cut leaves.

Cathine, also known as –

THE DEPUTY SPEAKER: Honourable colleagues, I need you in the House. Honourable ministers, I need you in the House; we need quorum. This is a Government Bill and I need Government officials in the House. We are doing Government work. *(Applause)*

This Bill was nullified because of quorum. If I don't have quorum from the Government on a Government Bill, then it will be difficult for me to proceed with work.

MR KAJWENGYE: Mr Speaker, cathine is structurally related to cathinone and has similar stimulant properties. Although milder, cathinone is a Schedule III, controlled substance in the US due to its stimulant effect.

Table 2 has pros and cons of *Khat*. I beg that Members read it. This literature and statistics are from the Directorate of Government Analytical Laboratory.

Mr Speaker, the World Health Organisation (WHO) considers *Khat* a less potent or addictive stimulant than other commonly used substances such as alcohol, cocaine, amphetamine and tobacco. The WHO Expert

Committee, upon review of the compounds in *Khat*, determined that the potential for abuse is low and the level of threat to public health is insignificant to warrant international control.

The committee is mindful that highly contentious plants have a robust historical connotation, particularly in Africa where they have been used as medicinal plants or local herbs.

Additionally, from a global perspective, there is a growing debate on how a holistic approach to controlling psychotropic substances for medical purposes can be achieved without endangering the young generation.

However, the use of drugs for recreation has increased in the last century owing to developments in science and technology. The committee was informed by the team of experts from Butabika National Mental Referral Hospital that more recently, research and studies conducted at the hospital showed that Cannabis has increasingly become a gateway drug for use of other hazardous substances. Additionally, no controlled studies or clinical trials declare *Khat* medicinal.

Some studies also argue that heavy *Khat* use has been documented to be a recipe for family breakdown and intoxication among young persons, but still, there exists no concrete scientific evidence linking crime to *Khat* use.

Further, no quantitative data is also available about the prevalence of public health problems, severe or otherwise, associated with the use of *Khat*.

Furthermore, three United Nations Conventions that form the International Legal Framework of Global Drug and Psychotropic Substances Control, that is the Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, the Convention of Psychotropic Substances of 1972, and the Convention Against Illicit Traffic of Narcotic Drugs and Psychotropic Substances of 1988, all of which Uganda is a signatory to, do not classify *Khat* as an illicit or prohibited substance.

However, Mr Speaker, the consumption of *Khat* in Uganda has not been a common phenomenon. It is a recent development attributed to the high influx of refugees from the neighbouring countries where *Khat* is traditionally consumed. This has increased the demand and market for *Khat* in Uganda.

From the Directorate of Government Analytical Laboratory's statistics on forensic casework of January 2021 to June 2023, as highlighted above, it was further revealed that *Khat* made up to 1.3 per cent, 0.6 per cent and 2.2 per cent of the total drug cases received in 2021, 2022 and 2023, respectively.

Drawing from the above, the uncontrolled consumption and distribution of Cannabis, *Khat* and other synthetic drugs continues to pose a significant public health risk to the young populace. As such, the committee deems it necessary to ensure public health by prohibiting *Cannabis sativa* and *catha edulis*. (Applause)

Under a highly controlled legal regime, the international obligations notwithstanding, the two plants - *Cannabis* and *Khat* - should only be allowed for cultivation and usage, strictly for medical purposes and research. (Applause)

The Protection of our children

Clause 10 of the Bill prohibits the supply of narcotic drugs and psychotropic substances to any child by any person, including a medical practitioner, pharmacist or dentist, without reasonable grounds to believe that the child requires such substances for medical purposes.

Under Article 33 of the UN Convention on the Rights of the Child, the obligation to protect children and young people from harmful drugs cannot be overemphasised.

The drug supply chain and narcotic drug substances put children at risk of harm. Children are harmed through drug use, parental drug dependence, drug-related violence, exploitation in trafficking and a range of other ways.

Considering the detrimental effects of narcotic drugs and psychotropic substances, and in the attempts to domesticate the spirit of Article 33 of the UN Convention on the Rights of the Child, the committee finds it necessary to propose more stringent measures to mitigate the supply.

To this extent, the committee proposes to increase the fine and jail term for the person who exposes children to drug abuse.

Conclusion

Mr Speaker, the Bill seeks to adopt measures to criminalise drug-related offences, under a domestic law, in conformity with Article 3 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and other related international conventions.

The committee reviewed the Bill and made proposals that it deemed fit to achieve the set objectives. The committee was alive to the need for a comprehensive and responsive law that addresses supply, demand and harm reduction in the use of narcotic drugs and psychotropic substances while prioritising public health.

Mr Speaker, the committee recommends that the Bill be considered for second reading, subject to the proposed amendments attached hereto and any other modifications the House may propose and approve.

Mr Speaker, I must also mention that this report has a minority version. Under your guidance, you could give the movers a chance to present it. I beg to report.

THE DEPUTY SPEAKER: Thank you. I think consultations are still going on outside. Honourable colleagues, as you remember very well, the presiding officer then, the Rt Hon. Speaker, guided that the Committee on Health should also look at the Bill and incorporate its recommendations into those of the Committee on Defence and Internal Affairs.

Unfortunately, under our rules, the recommendations of the Committee on Health cannot be reported here because we can only have one report from one committee unless at the beginning, they had been guided to jointly process the Bill.

So, yesterday, we held a meeting where the Minister of Health, the Minister of Internal Affairs, the Attorney-General and the Chairperson of Committee on Health shared the recommendations and observations of the Committee on Health – those which had been considered by the Committee on Defence and Internal Affairs and additional issues, which they felt the Committee on Defence and Internal Affairs had not addressed properly.

So, I guided the chairperson of the health committee that since we do not have any room, under the Rules of Procedure, where he could make another report, he will, on behalf of the health committee, as any other Member, present the proposed amendments once we reach the committee stage. So, that should be noted.

I guided him that those proposed amendments should be uploaded because he has read through the report and I am sure that was done. So, it is when we reach the committee stage that we will handle the issue.

Secondly, the meeting was also attended by the Shadow Minister of Internal Affairs, who had also moved the minority report. He had raised two major issues – I know you read the report – and one was on the subjudice rule, which we explained to him because the Attorney-General had not wanted to appeal. However, in the ruling, the judge had pronounced himself on issues related to how we process business here, which we felt were going to curtail the process of doing business in the House.

So, we requested the Attorney-General to appeal specifically on those issues, but not to do with the Bill. Otherwise, he could not appeal on the Bill and then, again, bring it here for processing. So, we agreed with the shadow minister. However, he had another issue which he said he was not yet satisfied with. So, he

is consulting the Attorney-General. The Chief Opposition Whip, I do not know if you could check on them because I want to give him an opportunity.

Number three, I read through the report of the committee and there is a practice we have had in this House whereby if the proposed amendments are more than 50 per cent of the clauses in the Bill, we usually require the minister to withdraw the Bill and bring a fresh one. However, that is not a given. The practice applies if the proposed amendments do fundamentally affect the principle and object of the Bill.

I read through all the proposed amendments from all sides and found out that they all still comply with the object and principle of the Bill. They were mainly around issues of reconciliation – some were consequential amendments, corrections and those few things. So, the object and principle of the Bill has not been affected by the proposed amendments. Because of that, I allowed the Bill to continue being processed by the House.

I now request Hon. Abdallah Kiwanuka – (*Mr Ssemujju rose*)- yes, point of procedure? Oh, you have a comment?

3.11

MR IBRAHIM SSEMUJJU (FDC, Kira Municipality, Wakiso): I have a motion, Mr Speaker. In the past, this Parliament has suspended the rules to allow the passage of a Bill that was removing the age limit to allow President Museveni to rule for life. The motion I have is to suspend the rules to allow the Committee on Health - because this is a very serious matter – to make a presentation so we can debate with full knowledge, especially the implications related to health. So, my motion, Mr Speaker, is to have the rule you have quoted suspended to allow the Committee on Health to also report to the House in regard to this Bill.

I thank you, Mr Speaker. (*Applause*)

THE DEPUTY SPEAKER: Is the motion seconded? (*Members rose*) Hon. Musila John, Hon. Allan Mayanja, Hon. Otimgiw, Hon. Basil

– and many Members. This is a direct motion for which we do not need to – but the problem is – no, I know he has a report – that there is no rule to suspend because there is no rule prohibiting them and there is no rule allowing them. (*Laughter*) Maybe, we could look at the general authority of the Speaker, I share it with you and we allow.

With that – is the Chairperson, Committee on Health here? It is just the general observations that you made. For, most of the issues from the report you made, I can see are strictly under the proposed amendments. If you can, share the missing gaps so that Members can pick on them. Let us do this together, honourable colleagues. Hon. Jonathan Odur?

3.14

MR JONATHAN ODUR (UPC, Erute County South, Lira): Thank you, Mr Speaker. I want to speak in opposition to that motion for the following reasons – (*Interruption*)

THE DEPUTY SPEAKER: Point of order?

MR SSEMUJJU: Mr Speaker, to challenge the ruling of the Speaker under the rules is not casually done, that you stand and say, “Now, I want to challenge the ruling.” When I moved the motion, you asked the colleagues to stand up and said, “Chairperson, come and present.” That became the ruling of the Speaker.

Hon. Jonathan Odur, who is a lawyer, knows that you do not wish rules away by standing up to say, “I am opposed to a decision already taken.” Is he in order to attempt illegally to reverse a decision of the Speaker on this matter?

THE DEPUTY SPEAKER: Honourable colleagues, rule 87 provides for challenging of the decision of the Speaker, but here, it is not a matter of who is in order and who is not. I think what I am getting from both colleagues here is, that while Hon. Jonathan Odur would want us to follow the rules to the latter and how they are, Hon. Ssemujju is also saying that the Committee on Health might have discovered very critical information, which would help

Members when they are debating and making decisions. Therefore, both of you are right.

MR ODUR: Thank you, Mr Speaker. I thank Hon. Ssemujju for acknowledging that I am a lawyer. Lawyers have a tendency of looking at things that are beyond ordinary eyes.

Mr Speaker, the motion had not been carried, for the record of the House. It had not been voted upon so I cannot be faulted for making arguments against it.

Secondly, Mr Speaker, I want to persuade you that we allow the shadow minister to present the alternative report before we invite the Chairperson of the Committee on Health. As a matter of debate, he can be given enough time to present as a Member, whose presentation can then persuade this Parliament to adopt the recommendation so that we stick by the rules of the game. Otherwise, you do not have the provisions in our rules to anchor or to even entertain the report. How will you deal with that report in case there are disagreements?

Therefore, it would fit when he debates and presents it as the first priority, then Parliament can take a decision on it. Thank you.

THE DEPUTY SPEAKER: Thank you. The end result is that the Committee on Health presents, but not in form of a report. I had just used my general authority. I am trying to avoid situations where a committee, which was assigned a duty - you know Bills are totally different. That is what I even told the Chairperson of the Committee on Health. I said, “I’ll give you an opportunity at a later stage where you can come and bring all your issues.” That is why he is even on the front bench. I was aware of what the rules tell us to do and not to.

Therefore, I think it is a good meeting point. Let us go with the suggestion of Hon. Jonathan Odur because in the end we shall have addressed concerns of the House. Initially, that is how I had looked at it. It would be more organised. Let us allow the shadow minister. Yes, Hon. Ssewungu.

3.18

MR JOSEPH SSEWUNGU (NUP, Kalungu West County, Kalungu): Hon. Odur said that lawyers look beyond the ordinary eyes, so, I thank him. In your ruling, my friend, Hon. Ssemujju said on the record that he wanted to suspend the rule, yet he was moving a motion. For proper records of Parliament, I would pray, Mr Speaker, that you correct that record that the honourable member has moved a motion not suspending the rules. We are custodians of the law and whoever will come after us will look at the same. That Hon. Ssemujju moved a motion to suspend a rule yet there was nothing like that at the time he moved it. Thank you.

THE DEPUTY SPEAKER: Let the *Hansard* capture that. Yes, Hon. Abdallah Kiwanuka.

3.18

MR ABDALLAH KIWANUKA (NUP, Mukono County North, Mukono): Thank you, Mr Speaker. With your wise guidance, I retreated with the Attorney-General, together with the Solicitor-General and Hon. Muwanga-Kivumbi, regarding the two limbs of the Minority Report. We have resolved to harmonise the issue at the Committee Stage. Those issues relate to section 1 of the Bill where we are going to clog it regarding the commencement. We have agreed to abandon the Minority Report and resolve all issues in it at the Committee Stage. Thank you.

MR SSEMUJJU: Mr Speaker, I am not a lawyer to see what the ordinary eyes do not see. However, I am one MP who has been here for a while. This is the first time that reports are being negotiated. The moment a report is presented and announced as a report of a committee, a Minority Report is part of a report of the committee.

Let the lawyers, who see beyond the eyes, tell us whether in our rules there is a provision to negotiate reports and then you come and withdraw. The rules require that after the presentation of the main report, the Minority Report will be presented. If negotiations are ordered by the Speaker, they can be on matters that all of us know. That is the procedural issue I am raising.

THE DEPUTY SPEAKER: Honourable member, the Minority Report is at the discretion of its signatories. They can present it or not. We have had it here before, where we have received a notice, you wait for the one to present and he is not here. In fact, Hon. Abdallah Kiwanuka has done something gracious by appearing. Others do not even appear.

Therefore, a Member has - because this is not a report of the committee, but an addendum. It is part of the committee report that has been presented. The two Members who have signed, if they have agreed to withdraw it because their issues have been addressed, there is nothing wrong with that. Moreover, when we reach that stage, if you are a Member of the House and had been convinced by the issues in the Minority Report, once we go to Committee Stage, you will have the latitude to raise your issues.

Honourable colleagues, let us move. We are now going to open up for debate. However, the debate is limited to the object and principle of the Bill, not general clauses. I open the debate starting with the Chairperson of the Committee on Health, as we have agreed, to make general observations, which can guide us. We shall have a debate for 30 minutes, then go to Committee Stage and start handling clauses seriously.

Whips, ensure Members are in. In the meantime, I want the Clerk to be ascertaining quorum both online and in the House. Chairperson, Committee on Health, I will give you five minutes.

3.23

THE CHAIRPERSON, COMMITTEE ON HEALTH (Dr Charles Ayume): Thank you, Mr Speaker. Like you had guided that we were not going to have presentation of a report, the Committee on Health only came up with amendments. I can get the highlights of our report that speak to the amendments.

The issue of narcotics and psychotropic agents is more of a public health issue because everything ends up in the hospital. These public health threats are emergencies and

some are chronic and terminal. They affect all the systems of the body, including the central nervous system, episodes of depression, sexual dysfunction and so forth, the cardiovascular system, gastrointestinal system, and endocrine.

Also, in the administration of these narcotics and psychotropic agents, people share the needles so they are able to transmit diseases like Hepatitis, HIV/AIDS, among others. Of course, the end point on the body that these narcotics and psychotropic agents affect leads to death.

One of the glaring issues we found, which may present a big legal challenge is the issue of precursors. Precursors are the building blocks we use to make synthetic narcotics. Most of the narcotics we think that we deal with like Hemp, Cannabis and marijuana are grown. However, some people exploit the lacuna in the legal system to import the building blocks, bring them into the country, and assemble them. That is where, as a committee, we thought we needed to also scrutinise this.

When you look at the World Mental Health Report, you notice that one of the biggest problems is synthetic narcotics. So, as a committee, we proposed –

THE DEPUTY SPEAKER: Sorry, committee chairperson - honourable colleagues, we have free sitting so that we can all fit in.

DR AYUME: Thank you, Mr Speaker. So, as a committee, we propose to add another schedule that lists all the precursors; the building blocks, so that these are able to be regulated. That helps with the interpretation of the law so that when somebody is importing these precursors, we are able to know why he or she is importing them and their purpose; there should be an element of traceability and regulation.

The issue of rehabilitation

Treatment precedes rehabilitation, and therefore, we added the word “treatment” and “rehabilitation” to the section that caters for rehabilitation because the health sector is better

placed to treat the people suffering from the effects of narcotics and psychotropic agents. Then, of course, the rehabilitation.

There were issues to do with entities that have been introduced in the Bill like “the National Committee on Narcotics and Psychotropic Agents.” The committee says that we have a Health Advisory Board that is anchored in the Mental Health Act and that there will be duplication. Right now, we are transitioning to rationalisation so we should not have two entities housed in different Acts that are repeating the same function. Therefore, the committee says the Health Advisory Board should take over the regulation and consequently advise the minister.

There was the issue of possession of some of the narcotics and psychotropic agents. The committee proposes that we need to open up and give the minister, within her mandate in the regulations, an opportunity to keep on revising because the health sector is dynamic. It is moving forward and people are super specialising. So, in two years’ time, you will get a new crop of health cadres that should be able to administer these psychotropic agents. We would not want to come back to the House for an amendment. So, we do propose that.

On the issue of morphine, the Palliative Association of Uganda was concerned that Morphine is administered by nurses to people who have cancer and terminally ill diseases. However, we –

THE DEPUTY SPEAKER: Hon. Muwuma, kindly take your seat. Proceed, chairperson.

DR AYUME: Going by what the Bill had proposed, we would tie out the nurses who go for home visits and administer Morphine. With consultation of the Minister of Health, we opened it up to include the clinical officers and senior nursing officers who are trained in palliative care with another provision that the minister may make guidelines and provisions based on the emerging card, as in the health centre.

Therefore, Mr Speaker, in summary, those were some of the sticky issues. We shall handle the rest when we go to the Committee Stage in the amendments. Thank you.

3.29

MS AISHA KABANDA (NUP, Woman Representative, Butambala): Thank you, Mr Speaker. I thank the committee for a fairly good report presented. We just heard a lawyer speaking that he looks at issues as a lawyer, but I would like to say each one of us looks at issues with the proficiency he has.

Whereas some people look at this Bill from a health perspective, others look at it from a security perspective, and others look at it from an economic perspective. It is wrong for someone to come and say, “Do not talk about economics.” We must, because economics leads to other things.

All the things that have been - and I will specifically talk about *Khat* – that is what I understand, because I have many people in my constituency that grow *Khat* - blamed on *Khat*, I want to say that alcohol causes them. Uganda is the number one alcohol consumer in Africa. Actually, it is the only thing we lead in Africa. Yesterday, the minister said we lead at coffee. No, we do not; we are number two.

I have not seen this country say we should stop alcohol consumption because it has these effects. Instead, we are looking forward to more being sold so that we can raise taxes.

Mr Speaker, in my culture, if you want to pick a knife from a child, provide that child with a stick to hold. You just do not take away a knife because that child will look for something more dangerous. The people in my constituency survive on *Khat*. If the Government is to take away *Khat* from people that survive on it, they must provide an alternative. I have not seen – (*Interjection*) - I have two minutes; they will not allow me to come back.

Yesterday, we heard the Minister of Agriculture, Animal Industry and Fisheries saying, “No more seedlings.” The finance minister also

said, “There is no money.” When you are saying “no” to every avenue yet you have not provided an alternative, how do you expect those – (*Member timed out.*)

3.32

MR CHRISTOPHER KOMAKECH (Independent, Aruu County, Pader): Mr Speaker, thank you -

THE DEPUTY SPEAKER: Honourable colleagues, you will have more time when we are at the Committee Stage.

MR KOMAKECH: I thank the committee for the good report. We are debating a Bill that entails the life of Ugandans. We are debating a Bill that causes a disease that is incurable.

Honourable members, anyone who uses marijuana cannot get treatment and get cured. I would rate an addict as a patient who has HIV/AIDS or Tuberculosis. We can treat these addicts, but we can never cure them in any way.

When you look at the economic bit of it, you notice that that will not warrant the lives of our youths in this country. Every day, in Butabika, from experience - I worked an eight-hour shift and in the eight-hour shift, and I would admit 20 young youths from the use of marijuana and Mairungi and these are Ugandans.

I would like to interest Members on the issue of poor families. I would like to inform Members in this Parliament that Butabika National Referral Mental Institution Hospital in Uganda is not allowed to admit anyone below the age of 18, who is addicted to alcohol or marijuana. Where do these children go? Do they go to Kampiringisa Rehabilitation Centre? In Kampiringisa, there are no health workers who can manage these children.

Therefore, Members, I beg you - addiction is a growing disease. You do not start with Cannabis. They start with a lower drug. They will start with Kuber or Shisha, and then upgrade from level to level until they hit the bottom. (*Applause*)

As I speak, we have doctors who are admitted to mental institutions and their certificates, and degrees are hanging –(Member timed out.)

THE DEPUTY SPEAKER: Thank you. Usually in this House, when we have a colleague who is an expert in an area, we give them more space so we learn from them. Since we have one who has been treating patients at Butabika and he has that experience, let us allow him to conclude. Hon. Komakech, conclude.

MR KOMAKECH: Thank you, Mr Speaker. Members, I want to interest you -

THE DEPUTY SPEAKER: And even those who take, if you confirm that you take –(Laughter)– I will give you enough time to explain to us how it feels when you take, but you must confess here that you take.

MR KOMAKECH: Thank you, Mr Speaker. When one uses drugs, they do it for a reason and that reason is always cured by a drug. It is true that when one takes marijuana, they get a healing effect. However, look at the end result. I will equate it to someone who dances and drums at the same time. We are talking about the brain. It is the same brain controlling these young people.

Mr Speaker, in this Parliament I would not mention names, but I know of parents whose children I have treated and are grappling with this disease.

The beauty is that rich parents can take their children to rehabilitation centres, but poor parents' children end up on the streets. The children you see along the road, snatching phones, are children of poor parents.

If this Parliament can take into consideration parents who cannot afford to go to rehab - honourable members, I beg that we maintain the status quo and pass this Bill for the betterment of our country. Thank you so much.

THE DEPUTY SPEAKER: Honourable colleagues, there is a very important point that the Member has raised; that you start slowly.

It is like how one progresses in life. When you get money for a *boda boda*, you then get money for a car and start from a Premio and when more money comes in, you go to a Mark II, Subaru, Benz, Lamborghini until you get yourself a plane. That is a very compelling point that we should look at.

Yes, I had picked you, honourable colleague. Hon. Kivumbi, I had not picked you. I have already picked the Members to speak.

3.36

MS CHRISTINE KAAYA (NUP, Woman Representative, Kibugo): Thank you, Mr Speaker and the committee for the report. They have raised different sectors as they are affected by the issue, but we also needed to hear the spiritual perspective because when you look at the contradictions, many of us refuse to take alcohol because of the after effects.

The biggest challenge we have here is to allow production and then from production, we expect that it is exported and probably consumed by other countries, but our ability to control consumption from production is the challenge we have as Uganda.

Currently, I see no funds to monitor adherence to the mechanisms that we are providing for. Who exactly is going to monitor that from production our people do not access these drugs? That is where the challenge is.

Also, some people earn from this. We cannot just look at earning alone, but the corruption of the brains and the ability to think by the population that we have right now, is also very important.

I would implore Members to look at the rehabilitation processes and centres because there are also very many adults, especially women, who do not consult from their wombs, but continue consuming – (Member timed out.)

THE DEPUTY SPEAKER: Thank you. Yes, Hon. Lucy Akello.

3.39

MS LUCY AKELLO (UPC, Woman Representative, Amuru): Thank you, Mr Speaker, for giving me this opportunity and I thank the committee for doing a great job.

I have heard people talk about economic gain. Have we even done a study to see how much we end up spending on treatment compared to how much we will gain as a country? We have just talked about rehabilitation centres. How many rehabilitation centres are in Uganda treating people for free? Just give me one! None. They are not there and they are not functioning. So what economic gain are we talking about and at whose expense?

The other issue we are talking about is controlled planting. Are we going to put CCTV cameras in these gardens to control who goes in and out of these gardens?

I heard the chairperson saying that there is no connection between drugs and crime. Friends, let me tell you, most of you here are parents. When your children come back from school, ask them whether they have come back with all their property. I know of children who return from school without mattresses, and their bedsheets and blankets are gone.

Let me tell you that, that is a sign that your child is now involved in drug addiction. They start small with the cheap ones and go higher and higher. Because they want to get money to buy expensive ones, they begin to sell things. They even steal your money and you know it. They steal your money because they - (*Member timed out.*)

THE DEPUTY SPEAKER: Thank you.

3.40

MR CHARLES TEBANDEKE (NUP, Bbaale County, Kayunga): Thank you, Mr Speaker. Any business begins with production and then consumption. I am not convinced that we shall support production and limit consumption. He who plants maize does not end up on mere leaves, but consumes the grains too.

Mr Speaker, from a religious perspective, I would like to introduce Members to Proverbs 20:1 “*Wine is a mocker, strong drink is raging: and whosoever is deceived thereby is not wise.*”

Mr Speaker, should we get tempted to support the production of marijuana, that is total opium to our minds and it will erase and freeze our understanding.

I would strongly support that much as we are in the consideration of this Bill, we should pass it with strong conditions attached to neither production nor consumption because the status quo has to remain. I am saying this because I have not seen any loophole in the existing law. All Ugandans know that anything connected to marijuana is more or less equivalent to treason.

Therefore, I think this Parliament is introducing the production and the consumption of marijuana to the public, yet the public knows the truth of the matter. I beg to support.

THE DEPUTY SPEAKER: Thank you. Honourable, the law was nullified by the court so we better have a law to achieve what you are raising. Let us hear from Hon. Dr Rutahigwa, then Hon. Linda Irene.

3.43

DRELISARUTAHIGWA (NRM, Rukungiri Municipality, Rukungiri): Thank you, Mr Speaker, for giving me this opportunity. I want to comment on the issue of alcohol being psychotropic. Yes, it is, but the psychotropic effects of alcohol wear off very fast. Therefore, you cannot compare it with the side effects of *Khat*.

Mr Speaker, we must understand that the two are different. They are both psychotropic, but the one of alcohol wears off very fast. Therefore, it does not affect human beings the way *Khat* does.

Secondly, on the issue of production, it was clear: it should be restricted. Actually, it should not be, for example, planted within our communities and out of reach of our children. Thank you.

3.44

MS IRENE LINDA (NRM, Woman Representative, Fort Portal City): Thank you, Mr Speaker. I would like to thank the committee and I stand to support the status quo of the Bill, considering the negative effects that drug abuse has on the young population in this country.

If you see the increasing number of young people that are mentally sick on the streets of our cities – because it is as if when people become mentally sick, they run to cities. The numbers are increasing every day. Even when they are already sick, they continue consuming these drugs. So, I stand to support the Bill because it is high time we protected the young people in Uganda. Thank you.

3.45

MR PETER LOKII (NRM, Jie County, Kotido): Thank you, Mr Speaker. In 2017, when this Bill was tabled for debate, I recall that my brother, Hon. Muwanga Kivumbi, gave a very convincing argument.

My argument was that when you compare the move of the President on the four-acre model and producing Shs 20 million for a household, my brother, Hon. Kivumbi, said that in Butambala, an acre produces – did you say Shs 30 million or something like that or more?

Today, I have heard the same argument from the Woman MP. What alternative do we have for the people in her constituency? I am just wondering: did we hear about the effect of these substances on the population?

Number two, you are looking at income for your people, but you are not looking at the impact of this activity on the community. *(Applause)*

It is important that if we are going to maintain this proposal by the committee chairperson, then, we need to register the farmers, gazette where they are going to do cultivation from and establish who is going to be buying the product for medical purposes. Otherwise, if every Tom, Dick and Harry has a small garden hidden

somewhere, we will not be able to manage the effects of this.

Mr Speaker, I support the Bill.

THE DEPUTY SPEAKER: Thank you. The Clerk is adding up the numbers for me. I suspend the House for two minutes only.

(The House was suspended at 3.46 p.m. for two minutes.)

(On resumption at 3.48 p.m., the Deputy Speaker presiding.)

THE DEPUTY SPEAKER: Honourable colleagues, they have counted and, physically, 177 Members are present and on Zoom, we have 44 Members, making it 221 Members present.

I now put the question that the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023 be read the second time.

(Question put and agreed to.)

BILLS COMMITTEE STAGE

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL) BILL, 2023

Clause 1

3.50

THE CHAIRPERSON, COMMITTEE ON DEFENCE AND INTERNAL AFFAIRS (Mr Wilson Kajwengye): Thank you, Mr Chairperson. These are the proposed amendments to the Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023.

The committee proposes that we delete clause 1 and the justification is that the Act should commence immediately after the assent and publication to meet the urgency required for the regulation of narcotic drugs and psychotropic substances, following the nullification of the current Act, by court.

MR NANDALA-MAFABI: Mr Chairperson, I would like to, first of all, agree with the committee because we are dealing with drugs and drugs have a lot of money. The moment we say that the minister should be the one to appoint a day, if we delay by even one week, it could be dangerous. I agree with the committee, to avoid corruption in this case. Thank you.

MR ODUR: Mr Chairperson, I would like to oppose the proposal by the committee chairman to delete the clause. It is a requirement of the law that you have a commencement clause. So, we can only amend to read that “the Act shall come into force on the date of assent”.

THE DEPUTY CHAIRPERSON: That is a very important observation. Committee chairperson?

MR KAJWENGYE: Mr Chairperson, I agree to the amendment. Let us proceed.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that clause 1 be amended as proposed.

(Question put and agreed to.)

Clause 1, as amended, agreed to.

Clause 2

THE DEPUTY CHAIRPERSON: I would like to guide that we do clause 2 at the end – wait a bit. When the Speaker is speaking, you do not come and say “procedure” or whatever; you wait for them to finish. That is the advantage of being a Speaker. *(Laughter)*

Now, I propose, as is the practice, that we deal with clause 2, which is the interpretation clause, at the end because there are very many salient issues to handle. Hon. Abdallah?

MR ABDALLAH KIWANUKA: Thank you, Mr Chairperson. Regarding Clause 1, which is about commencement, it is one of the issues we had agreed on with the Attorney-General. We agreed that we would retain it.

THE DEPUTY CHAIRPERSON: That is what we have done, but have made it better. If you listened to Hon. Jonathan Odur, he gave a proposal that we just amend it, so that we have it with immediate effect.

MR ABDALLAH KIWANUKA: With immediate effect?

THE DEPUTY CHAIRPERSON: Sorry, upon assent. Honourable member, with the law, you can only recommit it because we have already voted on it. So, if you have any issue with it, note it down and then you can recommit it at the end, once we finish the rest of the work.

DR BARYOMUNSI: I would like to provide information, Mr Chairperson. Usually, that provision is put there for the minister to put a commencement date, in case he or she has to make statutory instruments to operationalise that law.

However, in the opinion of the committee, they think it can commence immediately and does not require any further legislation by the minister. So, I think it should be clear.

THE DEPUTY CHAIRPERSON: Honourable colleagues, this is a matter that is sorted. If you have an issue, you will recommit. Otherwise, I do not know what we are doing. It is an already sorted matter. However, note it down. You can recommit any clause where you have an issue. Clerk?

Clause 3

THE DEPUTY CHAIRPERSON: Committee chairperson.

MR KAJWENGYE: Mr Chairperson, clause 3 is on jurisdiction. We propose that clause 3 is substituted for the following:

“3. Jurisdiction

1. This Act applies to the entire territory of Uganda;

2. This Act applies to conduct engaged inside or outside Uganda, relating to the importation, exportation, manufacture, buying, sale, giving, supplying, storing, administering, conveying, delivering or distributing of a narcotic drug or psychotropic substance:
- On board a vessel or aircraft registered in Uganda;
 - By a Ugandan citizen or any person ordinarily resident in Uganda;
 - By a body-corporate incorporated in or carrying out business in Uganda;
 - Any other person relating to the supply or possible supply by that person of any narcotic drug or psychotropic substance.

Mr Chairperson, the justification is:

- For clarity and better drafting;
- The jurisdiction of Uganda covers the territory, an aircraft registered in Uganda and a ship flying the Ugandan flag;
- To enumerate the actions that will create criminal liability, if done in or outside Uganda.

I beg to submit.

THE DEPUTY CHAIRPERSON: Yes, Hon. Nandala?

MR NANDALA-MAFABI: Mr Chairperson, I want to interest the chairman of the committee. I hope you know a free zone. It means there are some laws which do not apply to it. The moment you allow free zones not to be mentioned here, you are allowing any place in Uganda to be gazetted as a free zone.

Let me give an example of the airport. This means if a plane flying a Kenyan flag lands in Entebbe in a free zone while carrying drugs, it will not be touched. That is what you must know.

Two, even if you create an industrial park and say this is a free zone, there are laws of

this country which will not apply there. So, chairperson, my interest is that free zones should be added to the territory of Uganda. The justification is to avoid anybody to use a free zone as a conduit to bring in drugs.

THE DEPUTY CHAIRPERSON: Attorney-General, would you like to say something?

MR KIRYOWA KIWANUKA: Thank you very much, Mr Chairperson. I think paragraph (d) addresses that issue because it addresses any person relating to the supply of narcotics. So, the person here relates.

When we go back to the definition, it relates to a natural and other person. Obviously, if a plane with a Kenyan flag is in transit and going through Uganda, Uganda has no business going into that plane because it offends the international rules.

However, as long as you enter the territory of Uganda, I think paragraph (d) would apply to you. It says, "any person". So, even a company would be a juridical person.

THE DEPUTY CHAIRPERSON: Hon. Nandala, I see paragraph (d) would cover this. Are you satisfied with that?

MR NANDALA-MAFABI: Mr Chairperson, if the Attorney-General believes that a free zone is covered, then I have no problem.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister, are you okay with the proposed amendment?

GEN. MUHOOZI: Mr Chairperson, I am okay.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that Clause 3 be substituted, as proposed.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4

MR KAJWENGYE: Clause 4 relates to penalty for possession of narcotic drugs and psychotropic substances.

The committee proposes that Clause 4 of the Bill be amended:

1. By substituting for subclause (2) the following:

“A person who commits an offence under subsection (1) is liable, on conviction:

- a. In respect of a narcotic drug listed in the Second Schedule, to a fine not exceeding fifty thousand currency points or three times the market value of the drug, whichever is greater, or imprisonment not exceeding 20 years or both; and
 - b. In respect of a psychotropic substance listed in the Fourth Schedule, to a fine not exceeding twenty-five currency points or three times the market value of the psychotropic substance, whichever is greater, or to an imprisonment not exceeding 15 years or both.”
2. In subclause (3) in paragraph (a), by substituting for the words “Section 28” the words “Section 27”.

The justification is to:

1. Correct a mistake in cross-referencing the relevant provisions of the National Drug Policy and Authority Act;
2. Enhance the penalty for possessing a narcotic drug or psychotropic substance, in order to make the provisions more deterrent; and
3. In compliance with Section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted under the Act.

THE DEPUTY CHAIRPERSON: Thank you. The chairperson, Committee on Health, you had issues on this.

DR AYUME: Thank you very much, Mr Chairperson. Clause 4; penalty for possession of narcotic drugs and psychotropic substances. Clause 4 of the Bill is amended in subclause (3) by inserting, immediately after paragraph (b) the following:

“A clinical officer or nurse with a Certificate in Specialist Palliative Care, in possession of a narcotic drug or psychotropic substance for the purpose of prescription or supply authorised under the National Drug Policy and Authority Act.”

The justification is to conform the Bill to the National Drug Policy and Authority Act, under which the minister has made regulations authorising a clinical officer or a nurse with a certificate in specialist palliative care to prescribe or supply certain narcotic and analgesic drugs.

THE DEPUTY CHAIRPERSON: Thank you. I see Hon. Ayume agrees with what the Committee on Defence and Internal Affairs proposed as an amendment. He is just adding something. Basically, he is not contesting. Hon. Alex Ruhunda?

MR RUHUNDA: Mr Chairperson, I am a bit uncomfortable when they talk about the market value. It is like we are qualifying these drugs and we know the market value yet this is done underhand. So, within the law, how do we determine the market value of drugs?

THE DEPUTY CHAIRPERSON: Honourable Minister of Internal Affairs, how do you usually look at this? I always see in the papers that they have grabbed drugs “with a market value of such amount”. How do you determine that yet there is no legal market for these products? Is there an international standard? I need it on record because I need someone to answer.

MR KIWANUKA KIRYOWA: Mr Chairperson, the determination of the market

price is normally dependent on what has been the dealing price, not the legally accepted. If they arrest someone with drugs and that person gives evidence that they bought it at Shs 10,000, that is the value of that product.

THE DEPUTY CHAIRPERSON: This is an international standard. Everywhere in the world, when they arrest someone with drugs, they usually put the market value. These investigators sometimes have underground people who go and help them to carry out research. I think that should not be a very big problem.

I put the question that clause 4 be amended as proposed.

(Question put and agreed to.)

Clause 4, as amended, agreed to.

Clause 5

MR KAJWENGYE: Clause 5 deals with the penalty for trafficking in narcotic drugs and psychotropic substances.

Clause 5 is amended by substituting paragraphs (a) and (b) for;

- a. In respect of the narcotic drugs or psychotropic substances to a fine not exceeding fifty currency points or three times the market value of the narcotic drug or psychotropic substance, whichever is greater, or imprisonment for life or both;
- b. In respect of any substance, other than a narcotic drug or psychotropic substance, which he or she represents or holds out to be a narcotic drug or psychotropic substance, to a fine not exceeding twenty-five thousand currency points to imprisonment for a period not exceeding twenty years.

The justification is for purpose of enhancing and prescribing the maximum punishment in compliance with Section 37 of the Interpretation Act.

THE DEPUTY CHAIRPERSON: Hon. minister, do you agree with the proposed amendment?

GEN. MUHOOZI: I concur with the proposed amendment.

MR ODUR: Thank you, Mr Chairperson. I would like to propose an amendment before paragraph (a), to read, "...commits an offense, and is liable on conviction". I am adding the words "on conviction" before paragraphs (a) and (b).

MR KIWANUKA KIRYOWA: No objection.

MR KOMAKECH: Mr Chairperson, many of these traffickers are actually users. Imprisoning them does not take away the vice of using them. So, I am recommending that - would it be right, on top of imprisoning them, to subject them to treatment for a period of maybe three months, because that is the standard period of treatment in prison or after they have served their sentence, they go through a rehabilitation centre for three months.

THE DEPUTY CHAIRPERSON: We have clauses in the Bill that provide for the treatment of prisoners. When we reach that side, then we shall be able to address the concern.

MR OLANYA: Thank you, Mr Chairperson. Looking at the currency point in terms of the fine; if you multiply fifty thousand currency points by Shs 20,000, it comes to Shs 1 billion. I feel that is too much.

THE DEPUTY CHAIRPERSON: For a drug dealer, that is just pocket change.

MR OLANYA: Mr Chairperson, the people who engage in drug business own nothing; they are not economically empowered. If we put such a high amount, we are going to imprison everyone. So I really feel –

THE DEPUTY CHAIRPERSON: I now put the question that clause 5 be amended as proposed.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MR KAJWENGYE: Clause 6 is about penalty for other acts connected to narcotic drugs and psychotropic substances.

The committee proposes that clause 6 be amended –

(a) by substituting for subclause (1) the following:

“(1) Subject to this Act, a person who –

(a) smokes, inhales, sniffs, chews, or otherwise uses any narcotic drug or psychotropic substances;

(b) without lawful and reasonable excuse, is found in any house, room, or place where persons resort to for purposes of smoking, inhaling, sniffing, chewing, or in any way using a narcotic drug or psychotropic substance;

(c) being the owner, occupier or concerned in the management of any premises, permits the premises to be used for –

(i) the preparation of narcotic drugs or psychotropic substances for smoking or sale, or the smoking, inhaling, sniffing, chewing, or otherwise using any narcotic drug or psychotropic substance; or

(ii) the manufacture, production, sale, or distribution of any narcotic drug or psychotropic substance in contravention of this Act; or

(d) has in his or her possession any pipe, tool, or any other utensil for use in smoking, inhaling, sniffing, or administering in any other manner of using a narcotic drug or psychotropic substance, or any other utensil used for the preparation of any other narcotic drug or psychotropic

substance for smoking, commits an offence and is liable on conviction to a fine not exceeding fifty thousand currency points or imprisonment for a period not exceeding 10 years or both.”

Justification

(i) In compliance with Section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening the provisions of clause 6 of the Bill.

(ii) To expand the provision to include all other narcotic drugs or psychotropic substances.

I beg to move.

DR AYUME: Thank you, Mr Chairperson. The Committee on Health agrees with the proposals.

However, it proposes the following amendments:

Clause 6 is amended in subclause (1) by:

a) Substituting for paragraph (d) the following:

“Has in his or her possession any pipe, tool or any other utensil for use in smoking, inhaling, sniffing or administering, or in any other manner of using a narcotic drug or psychotropic substance, or any other utensil used for the preparation of a narcotic drug or psychotropic substance.”

b) Inserting immediately after paragraph (c) the following: “Diverts a precursor for a narcotic drug or psychotropic substance under his or her possession for illicit manufacture or production of a narcotic drug or psychotropic substance.”

The justifications are:

a) The deletion of the words “for smoking” appearing at the end of paragraph (d) is to generally restrict the possession of

utensils used for the preparation of a narcotic drug or psychotropic substance without authorisation, rather than limit the restriction to when the utensil is used for smoking.

- b) The new insertion on “precursor” - In the interpretation section we had introduced the word “precursor”. I had mentioned it is a building block for these narcotics. The new insertion on “precursor” is to provide for control measures that will prevent diversion of precursors for narcotic drugs or psychotropic substances as well as provide for control measures for the unchecked illicit production and manufacture of synthetic narcotics and psychotropic substances in laboratories.
- c) The insertion of “precursor” does not restrict access or possession of precursors, but penalises their diversion for illicit manufacture of narcotic and psychotropic substance.

Thank you.

THE DEPUTY CHAIRPERSON: Thank you, Dr Ayume. I have a situation where the Committee on Health, under the interpretation clause, had introduced some new words and one of them is “precursor”. We have some clauses for which to process we shall be attempting to look at how best we can control the precursors. I am trying to see how many they are, but I do not think they are very many. When we reach those clauses, we are going to stand over them until we agree to the interpretation of the word “precursor”.

Otherwise, you might find that we disagree with the interpretation and then every clause we would have passed in that regard would be *void ab initio*. I have guided on that; so let us stand them over.

MR NANDALA-MAFABI: Mr Chairperson, I wanted the chairperson of the committee, not the one on Health - The moment you have introduced a figure, maybe if you remember –

THE DEPUTY CHAIRPERSON: Hon. Nandala-Mafabi, I want us to discuss a clause as a whole. I do not want you to submit on a clause and then we say, “let us stand over it.” When we come back to that clause, you will make your submission on it.

I read this Bill and the reports from both committees and I know why I am insisting that we must first define “precursor”.

Let us stand over clause 6. We shall come back to it. Procedure?

MR NANDALA-MAFABI: The procedural issue I am raising is; if in one clause you have said “fifty thousand currency points” and put imprisonment “not exceeding 20 years” and in another clause you have put fifty thousand currency points and “not exceeding 10 years,” would it be procedurally right to have different figures? The amount is the same, but when it comes to imprisonment, you are changing.

THE DEPUTY CHAIRPERSON: I will make my ruling once we reach that clause. I already guided that we stand over it.

Clause 7

MR KAJWENGYE: Mr Chairperson, Clause 7 concerns the provisions relating to certain prescriptions. The committee proposes that it be amended:

- a) By inserting immediately after subclause (1) the following: “A pharmacist shall not sell or supply a narcotic drug or psychotropic substance to any person except where the narcotic drug or psychotropic substance has been prescribed by a medical practitioner or dentist.”
- b) In subclause (2)(b), by deleting the words, “to any animal”.
- c) By substituting for subclause (3) the following:

“A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding 10 years or both.”

The justification for this is:

- i) To expand the provision to include pharmacists since they sell and supply narcotic drugs or psychotropic substances under prescription.
- ii) In compliance with section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening provisions of the Bill.

I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Dr Ayume and your team, I want you to be clear: Where you agree with the proposal of the committee, tell us so that we know you are adding. Where you disagree, also tell us so that we subject both proposals to debate.

DR AYUME: Thank you, Mr Chairperson. In clause 7, the Committee on Health proposed that in addition to subclause (1), at the end we add “clinical officer or a nurse with a certificate in specialised palliative care.” Therefore, it would read:

“A pharmacist shall not sell or supply a narcotic drug or psychotropic substance to any person except where the narcotic drug or psychotropic substance has been prescribed by a medical practitioner, a dentist, clinical officer, or a nurse with a certificate in specialist palliative care.”

The committee also proposed a new insertion. “A clinical officer or nurse with a certificate in specialist palliative care shall not prescribe or supply to any person a narcotic drug or psychotropic substance except where the narcotic drug or psychotropic substance is required for palliative care.”

The committee proposed another insertion that, “Any other authorised person by the minister by statutory instrument to prescribe or supply a narcotic drug or psychotropic substance, shall not:

- a) Prescribe or supply to any person a narcotic drug or psychotropic substance, or
- b) Sign any prescription or order for the supply of a narcotic drug or psychotropic substance to any person except where the narcotic drug or psychotropic substance is required for the medical treatment of that person.”

The justification is to cater for the different categories of persons who can prescribe under the National Drug Policy and Authority Act.

MR KAJWENGYE: The views from the chairperson of the Committee on Health are improvements. I have absolutely no qualms about them; I support them.

THE DEPUTY CHAIRPERSON: Thank you. Minister of Internal Affairs?

GEN. MUHOOZI: I do concur as well.

MR TINKASHIMIRE: Thank you, Mr Chairman. I have listened to the contributions by both committee chairpersons and I, entirely, agree with them. Where they place “somebody seeking these drugs from the pharmacists for purposes of doing research” - who gives him? It is not provided for. If we make a law that does not allow any other person, particularly the researchers, to access these drugs, then, it is inhibitive in terms of innovation, creativity and fostering research. That is the clarification I seek. Thank you.

THE DEPUTY CHAIRPERSON: Committee chairperson – or anyone from the Government side – where are we providing for access by researchers? It is very important?

MR KIRYOWA KIWANUKA: Mr Chairman, can you just give us a minute and we come back to you on it?

THE DEPUTY CHAIRPERSON: Okay.

MR ENOS ASIIMWE: Thank you, Mr Chairman. I am seeking clarification from the chairperson of the Committee on Health on whether precursors and essential chemicals can be accessed by pharmacists. If yes, don't you think it is important for us to also add them in this clause that once they sell them, there is a penalty that comes with that?

THE DEPUTY CHAIRPERSON: That is what he added; he allowed in the pharmacists.

MR ENOS ASIIMWE: I would like to know whether pharmacists can access the precursors because here, they are not mentioned. If they have no access, then, we can leave it. If they have access to these controlled chemicals, what are the chances that they will sell them out, legally or illegally? I seek clarification on that.

DR AYUME: Thank you, Mr Chairman. You had guided that we stand over precursors for us to be able to appreciate it in the interpretation. However, with your guidance, I can still –

THE DEPUTY CHAIRPERSON: Yes, for this clarification, I think it is okay. Please, let us allow the Member to, first, finish his submission. I am going to give you a chance, honourable colleagues.

DR AYUME: Mr Chairman, in clause 6, we had made a provision where we inserted precursors and it reads as follows:

“...diverts a precursor of a narcotic drug or psychotropic substance under his or her possession for illicit manufacture or production of a narcotic drug or psychotropic substance.”

Mr Chairman, the Bill does not seek to criminalise access or possession of precursors. What it seeks to criminalise is diversion. For example, if you import benzene for laboratories in schools and then you divert it to make narcotics, what we are proposing should apply. Thank you.

THE DEPUTY CHAIRPERSON: Now, honourable colleagues, in one of the interactions we had yesterday, this issue was seriously raised by the team from the Directorate of Government Analytical Laboratory. Of course, even some of us were concerned. For example, there are some of us from rural areas; if our schools cannot access the chemicals, what will happen? Nonetheless, it was clearly put under this Bill. They will access the chemicals; the problem is if they divert them. Someone can say that they accessed it legally. So, the issue is just on diversion.

DR BHOKA: Thank you, Mr Chairman. I am providing information on the use of psychotropic substances and narcotics for research purposes. Before any research is approved, the individual or institution doing research has to seek clearance from institutional review boards. Therefore, for that matter, we may have to have an inclusion of institutional review boards to cater for the use of narcotics and psychotropic substances for research purposes. I thank you.

THE DEPUTY CHAIRPERSON: Attorney-General, had you got a response to that issue of research?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairman. In this Bill, everywhere you find “for medical purpose”, it means “the use of a narcotic drug or psychotropic substance for treatment or research that is provided for by a medical practitioner, dentist, pharmacist, veterinarian, while acting in the usual course of his professional practice and in accordance with the standards of care generally recognised and accepted within the respective profession”.

So, every time you find the words “for medical purposes”, it also includes research. So, if a person is found with psychotropic substances and it is said that he holds them for medical purposes, it also includes research.

The aspect you raised is also addressed there because there are different standards in different places – research in university, medical areas and others. Research is different; so, we require

you to hold it to those standards. That is where we address it.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Nandala-Mafabi, is yours different? I wanted to handle the issue of research and we finish it. Let us conclude it.

PROF. MUSHEMEZA: The Attorney-General has said that wherever there is the concept of “medical purposes”, it includes research. I was looking at a sociologist doing research. Would that cater for a sociologist who is interested because he is looking at the impact of the drug –?

THE DEPUTY CHAIRPERSON: So, does he want to test it?

PROF. MUSHEMEZA: Yes. I want to be sure; if it is included, I have no problem.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairman. The definition says: “...having a narcotic drug or psychotropic substance for treatment or research.” It is not only for medical research. That is why we put up the issue of standards within the respective professions because different professions have different standards which they use for their research.

THE DEPUTY CHAIRPERSON: Thank you. So, Hon. Mushemeza, you can access the psychotropic substances for social research purposes.

Hon. Odur, is your point on research? Let us conclude it.

MR ODUR: Mr Chairman, under Clause 4, we had already passed a provision and Section 4(3)(a) of the Act actually reads: “A person who has possession of a narcotic drug or psychotropic substance under a licence issued under Section 28 of the NDA Act, permitting him or her to have possession of the narcotic drug...” I thought that, that would should take care of it.

THE DEPUTY CHAIRPERSON: Yes, that would cover it. Thank you.

MR NANDALA-MAFABI: Mr Chairman, first of all, I would also like to seek a clarification from the committee chairperson. If this medical practitioners and dentists have houses - shops are like housing – are they going to be gazetted as the ones that are specifically allowed to hold such drugs?

Secondly, we passed Clause 4, where we talked about fifty thousand currency points or 20 years. Now, the committee chairperson is bringing a proposal of fifty thousand currency points and 10 years. Wouldn't it be right for the committee chairperson to agree, for purposes of the law flowing very well, that instead of 10 years, we also put 20 years as we put it in Clause 4?

THE DEPUTY CHAIRPERSON: I know the law on the equivalence of currency points to penalties was repealed, but wouldn't it be very important for consistency purposes?

MR NIWAGABA: Actually, that was my major concern because we amended that law in 2023. The Law Revision (Miscellaneous Amendments) Act, 2023 - and I hope the Attorney-General has had occasion to look at the proposed fines and imprisonment terms to comply with that particular law.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. First of all, the law revision law that is variously cited here was trying to bring very old provisions in old laws into some form of semblance up till 2017. I would not want to stand here and say that there is a law in this country which fetters the power of Parliament under Article 79 to prescribe a penalty. So, it is not about equivalence; it is about what Parliament prescribes at that time.

Secondly, the penalty on fines and monies is deterrence on the business side. The penalty for incarceration is penal. So, when you look at the offences, some offences which are for trafficking, carry a higher penalty of imprisonment, whereas the offence of killing

yourself by smoking these substances may carry a lesser penalty.

Mr Chairperson, I think unless Parliament decides that it would like to change the particular penalty prescribed in any particular provision, there is no law in this country which requires one currency point to be equal to one day in prison or anything else like that. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable chairperson, Hon. Nandala raised an issue.

DR AYUME: Thank you, Mr Chairperson. The proposed law should not be read in isolation; we have the National Drug Policy and Authority Act, which caters for the different classes of drugs and to be held under which circumstances and by which cadres of people in the medical profession. So, that is catered for there.

THE DEPUTY CHAIRPERSON: Thank you. Let us conclude this.

MR NANDALA-MAFABI: Mr Chairman, you are right. We are saying in this law that we are dealing with bad drugs. National Drug Authority, according to even what the Attorney-General has said -2017, old laws, now we have discovered how bad it is.

Would we go with the National Drug Policy and Authority Act, which was made many years with simple penalties, compared to what this one is causing?

In fact, what I am trying to raise, Mr Chairman is that here, the chairperson of the committee proposed that it is fifty thousand currency points and we agreed and not exceeding 20 years and we agreed. Why is it saying fifty thousand currency points and putting fewer years instead of matching it with the other one? We just want consistency.

THE DEPUTY CHAIRPERSON: What Hon. Nandala is saying is that we should be consistent. However, the Attorney-General

was saying that for each crime, we should assess it independent of the other. That is what I picked from him – He said that we do not say; “For this one, if we charge you Shs 1 billion, imprisonment should also be 10 years.” He is saying that for some of them, the economic side might be the same, but the penal side can be different depending on what we want to deter and the impact of that crime on the community.

It is a balance which I will put to you, honourable colleagues, in the House. I do not want us really to focus on that so much; it is a balance we can strike here. But Hon. Santa Alum had a different issue.

MS SANTA ALUM: Thank you, Mr Chairperson. Mine is quite different from this. I want clarification from the chairman of the committee.

THE DEPUTY CHAIRPERSON: Which committee?

MS SANTA ALUM: The Committee on Defence and Internal Affairs. He is suggesting that we delete the word “animal”.

Mr Chairperson, we have just talked about research and some of this research when they are doing the trials, they normally start with animals. So, if we delete the word “animal”, would it be doing justice to this Bill as far as research is concerned? Thank you.

THE DEPUTY CHAIRPERSON: On the same, Jonathan? Honourable colleagues, if I call you by just your name, know I have automatically added the title honourable.

MR ODUR: I had the same concern on the proposal to delete the word “any animal”, but from a different perspective from what Hon. Santa has raised.

The spirit of this is that there is a need to regulate how medical practitioners and veterinary surgeons prescribe because somebody can prescribe for treating an animal when actually the purpose is different.

So, when you read the spirit of clauses 7(1) and (2), they carry the same spirit except that under (1) it is for medical and dental practitioners, then under (2) it is veterinary.

So, when you delete the word “animal” and leave it hanging, then this law is a bit defective. So, I do not know whether we can add to a person here because the person would then go and treat animals. I propose that we replace the phrase “to any animal” with “to any person.”

THE DEPUTY CHAIRPERSON: Thank you. Committee chairperson, do you agree to that?

MR KAJWENGYE: Mr Chairperson, I agree to the proposed amendment because it improves the proposal and the offence.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I put the question that clause 7 be amended as proposed.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8

THE DEPUTY CHAIRPERSON: Committee chairperson.

MR KAJWENGYE: Mr Chairperson, clause 8 is about the removal of a name from the register. The committee proposes that it should be amended by inserting immediately after the word “dentist” wherever the word appears in the provision with the word “pharmacist”.

Justification

To expand the provision to include pharmacists since they sell and supply narcotic drugs or psychotropic substances under prescription.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: That is a reinforcing substitution and I agree.

THE DEPUTY CHAIRPERSON: Thank you. Yes, Hon. Nambeshe?

MR NAMBESHE: Mr Chairman, this clause does not give any breathing space for an appeal because, upon a successful appeal against the conviction, there should be a reinstatement, even when the particular medical practitioner has been deregistered.

So, I would propose an amendment that we provide for reinstatement of the medical practitioner upon a successful appeal against the conviction.

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Thank you, Leader of the Opposition (LOP). I think the point is the same here, but I think maybe we could draft it just for clarity because we are saying “if there is a conviction”.

So, if the conviction is lifted, then there is no conviction. We can go back and look at drafting, but I thought that the meaning was the same. “*Where a medical practitioner is convicted of an offence under this Act, he or she shall not withstand and be liable to have his name...*”

It is not saying, “...his name will be liable.” There is a process you have to go through. But we can add the words “upon lifting of the conviction, can be returned on the register.”

THE DEPUTY CHAIRPERSON: This is very clear because when we add all that, it is going to be too wide and even the drafting will be a challenge. You no longer have a conviction; you served it and you are done. It is just during that process of conviction, but once you serve, you are no longer convicted. We do not need to repeat it.

MR SSONGA: Thank you. I have seen in clause 8 the removal of name from the register. It includes a medical practitioner, a dentist and a veterinary surgeon. Yet, earlier, we talked about a researcher. Is it possible to include a researcher? Because a researcher can abuse.

THE DEPUTY CHAIRPERSON: Do we have a professional body for researchers - like get a licence to carry out research? No, researchers would not apply here. This is looking at professionals. You can be a researcher any time even when you are a pharmacist.

MR SONGA: Mr Chairperson, this research is restricted only to medical, but there could be other professions that are doing research on similar things like Prof. Mushemeza said.

THE DEPUTY CHAIRPERSON: That is what was clarified under Clause 4. Let us sort out the issue of research. I want the Member to be satisfied. Can someone submit on the issue of research?

MR KAJWENGYE: Thank you. Professional bodies like for engineers, lawyers, pharmacists, and medical practitioners have bodies that regulate them. Those are registered. When you are undergoing a trial of this magnitude, one of the measures is that your name is struck off the register.

However, researchers per se are not registered in any - if you are a medical researcher, you are under the medical profession and the medical practitioners board. If you are a legal researcher, you are under the law council. If you are an engineer - so a researcher per se is not applicable.

THE DEPUTY CHAIRPERSON: Please, do not access the microphone without my permission. I thought those habits stopped. Let us first finish the point raised by Hon. Songa.

DR LULUME: Thank you, Mr Chairperson. I do not think that it would be prudent for us to restrict research to the educated - those in the medical or in the legal research and so on. Even local people can do research.

Where are they going to be captured? Why are they not captured in this law when they are doing their local research? Otherwise, we see a lot of people doing herbal research and these herbal researchers get qualified. Until they

get qualified, they are still colloquial methods of research. So, how are they going to be captured? Are they not culpable? Thank you.

DR BARYOMUNSI: Thank you. In Uganda, if you are to conduct medical research, you should be approved by the Medical Research Council and the National Council for Science and Technology. We passed these laws in this House some years back. So, there are these two bodies which must authorise you to proceed with research.

We could make reference to a researcher - if you are researching on these kinds of substances - since they are medical in a way, we could make reference to these bodies which give you authorisation to carry out research so that people do not just come out as researchers and abuse these substances. They should have that authority from those bodies which are established by law.

THE DEPUTY CHAIRPERSON: That is complicating things. I do not know who will treat me among the two.

DR MORIKU: Thank you very much. I would like to add value to the issue of research. Usually, there is a research protocol and the protocol has to go through various stages of approval. In that protocol, there are monitoring values of any advance deviation and it is the National Council for Science and Technology that approves that research protocol or proposal.

Therefore, if there is anything in terms of advanced monitoring, and reporting has deviated from the research protocol, it is captured. I think a researcher does not belong to a professional body as stated because professional bodies have regulators under their councils. These include the Uganda Medical and Dental Practitioners Council and other professionals under their mother councils. That is my take.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I would like us to refocus. The clause is on removal of a name from the register. We do not have a register of research-

ers. So, how do you want to remove someone where he does not exist?

MR ODUR: Mr Chairperson, professionals have a higher duty of care; therefore, they are held by a different standard. This provision is to impose additional punishment on professionals. It does not exonerate any other person from being convicted under a different section.

If a researcher has messed up, the provisions in different clauses can still deal with that person. Since these are professionals with a higher duty of care and standard, they are being held and we are saying, “We need to punish you because you are careless in executing; so we shall remove you from the register.”

THE DEPUTY CHAIRPERSON: That is it; and it is simply captured. This is removal from professional register of medical, legal among others. Honourable colleagues, we do not have professional bodies for historians like us so we are exempted from all these problems.

MR KIRYOWA KIWANUKA: Honourable colleagues, what we are saying as Members of Parliament is that we do not expect lawyers to be doing research on cannabis. The people we are anticipating to do research on cannabis are these professionals.

However, for others who are doing research, we have the Complementary and Traditional Medicine Act. They have their protocols they follow. Like the chairperson said, remove the name of that person so he or she does not continue doing it. It should only be the professionals.

THE DEPUTY CHAIRPERSON: Thank you. Contribution on research is closed.

MS AISHA KABANDA: Thank you, Mr Chairperson. I would like to understand the bearing of this clause; “removal of name from register.” We have had a clause on penalty on possession, penalty on trafficking, penalty on other acts connected. I would like to understand the bearing of this.

Mr Chairperson, if it is under just possession, there is a penalty for it. If it is trafficking, there is also a penalty. We have seen circumstances where there have been abuse of either laws or powers.

Suppose someone simply carried a box of this drug and puts it in someone’s clinic and is unable to - there is a situation where you are unable to defend yourself even when you are right. You are going to have this person deregistered; meaning he or she is not going to practise anymore. Are these other penalties on possession, trafficking and on other connected activities like smoking and use, not enough to cover all those?

I want to understand the bearing of this specifically, that would cause someone to lose his whole life of education.

THE DEPUTY SPEAKER: Attorney-General? - Is it related?

PROF. MUSHEMEZA: Thank you, Mr Chairperson. There is an issue that I was not satisfied with. A clarification was made that if you serve your sentence after conviction, there is no conviction and there is an assumption that you will be reinstated. Am I right?

I am relating this to what is in our electoral laws. There is a provision where you are convicted of an offence, you serve your term and then you are barred for 10 years from standing again. Why are we assuming that after serving your conviction and there is no conviction, you will be reinstated? I need that clarification, when you relate it with our electoral laws.

THE DEPUTY CHAIRPERSON: Honourable Member, you have answered yourself that it is specific and provided for. On top of conviction, you will again be barred for 10 years. It is provided for and here, it is not.

MR KIRYOWA KIWANUKA: Hon. Aisha Kabanda, the issue you raise was very well articulated by Hon. Odur. Here, it is a standard of care expected of these specialist persons; dentists, medical practitioners and pharmacists.

They are specialised persons whom we hold at a much higher standard, that if they find another person taking this substance, it may not amount to deletion from the register in their profession - say he is an engineer, maybe a lawyer or some other profession.

However, we are saying that a doctor who does that gets another punishment. They could be convicted, sent to prison and on top of that, removed from the register; it is just a higher standard that is expected of them.

So, we are saying here that we are moving to Parliament and asking it to pass a law which tells a doctor or a dental practitioner that in the course of your ordinary duty, you are likely to get in contact with narcotic and psychotropic substances. If you misuse them, we could fine you, imprison you, and even deregister you.

However, we are saying to the lawyer that “If we find you with this substance, we may imprison you and fine you, but not deregister you”. That is all we are saying and we are asking Parliament to agree with us.

THE DEPUTY CHAIRPERSON: I now put the question that Clause 8 be amended, as proposed.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9

MR KAJWENGYE: Thank you, Mr Chairperson. Clause 9 concerns a penalty for receiving additional narcotic drugs, psychotropic substances or prescription without disclosure of earlier receipt.

The committee proposes that there should be substituted the following:

“Penalty for receiving additional narcotic drugs, psychotropic substances or prescriptions without disclosure of earlier receipt.

- 1) A person who, in the course of treatment of a physical, dental or mental disease,

or an owner or caretaker of an animal, is supplied with or receives a prescription of a narcotic drug or psychotropic substance by a medical practitioner, pharmacist, dentist or veterinary surgeon, shall disclose that fact before he or she is supplied with or receives a prescription of an additional narcotic drug or psychotropic substance.

- 2) A person who fails to disclose the fact under subsection (1) to a medical practitioner, pharmacist, dentist or veterinary surgeon, as the case may be, and is supplied with or receives a prescription of a narcotic drug or psychotropic substance commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand currency points or to imprisonment for a period not exceeding 10 years or both.”

Mr Chairperson, the justification for this is:

1. For clarity and better drafting;
2. To expand the provision to include pharmacists since they sell and supply narcotic drugs or psychotropic substances under prescription; and
3. In compliance with Section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening the provisions of the Bill.

Mr Chairperson, I submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister?

GEN. MUHOOZI: I concur, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Niwagaba?

MR NIWAGABA: Thank you, Chairperson. Actually, the draftsman had done a poor job; you have done a good job. However, I thought you would add the word “additional” in subclause (2) for emphasis and to capture the spirit of the original draftsman.

You can say, “A person who fails to disclose and is supplied with or receives an additional prescription...” I thought it would be important.

THE DEPUTY CHAIRPERSON: I think that is in line with the objective and principle. I put the question that Clause 9 be amended, as proposed. - Hon. Enos Asiimwe?

MR ENOS ASIIMWE: Thank you very much, Mr Chairperson. In that clause, I was seeking clarification from the Attorney-General, whether it is not important also to specify the records required for these transactions. These are records that need to be kept by these pharmacists for the sales made relating to these narcotics.

MR KIRYOWA KIWANUKA: I do not think it would serve us well because as you know, today we are using EFRIS and tomorrow, it may be something else. If you prescribe a particular kind of record in a statute such as this one, you are likely to run out of steam very fast.

However, we know that if you have a substance and it is a prescription, there is a note. If you paid for it, there is a receipt; there is an invoice, so they will change. I do not think it will serve us well.

MR NIWAGABA: To explain it further, when you look at this particular clause, it applies to the recipient, not the person doing the prescription. So, you do not need that record.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that Clause 9 be amended, as proposed.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

Clause 10

MR KAJWENGYE: Mr Chairperson, clause 10 is about the supply of toxic chemical inhalants to young persons.

For clause 10, there is substituted the following:

“10. Supply of narcotic drugs or psychotropic substances to a child.

A medical practitioner, pharmacist, dentist or any other person who supplies or administers a narcotic drug or psychotropic substance to a child, where the narcotic drug or psychotropic substance is not required in treatment of a child, commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or go imprisonment for life or both.”

Mr Chairperson, the justification for this is:

1. To enhance the penalty for supplying narcotic drugs or psychotropic substances to a child, in order to make the provision deterrent;
2. To restrict the provision to the subject matter of the Bill, since “intoxicating substances” are alien to the Bill and are incapable of exact definition;
3. To require the supply and administering of narcotic drug or psychotropic substance to a child to be for medical purposes.
4. In compliance with Section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening the provisions of the Bill.

I submit.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Minister?

MR KIRYOWA KIWANUKA: Thank you very much, Mr Chairperson. We are proposing that we add “... the medical practitioner or person who knowingly...” because there is a person doing something in good faith in the course of his employment – maybe he is being misled, but there is no criminal intent. So, we wanted to add “who knowingly supplies”.

DR BAYIGGA: Mr Chairperson, the phraseology should include “any person” as it was in the principal Bill. Why? It is because if you restricted to the professionals, as mentioned, you are taking away individuals. It can be a mother or father who is not a medical professional, who is administering the same to a child. It is possible.

THE DEPUTY SPEAKER: I think that is smarter. Attorney-General, would that be okay?

MR KIRYOWA KIWANUKA: Thank you very much, honourable member. I appreciate that.

THE DEPUTY CHAIRPERSON: I put the question that clause 10 be amended as proposed.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Honourable colleagues, in the Public Gallery this afternoon, we have pupils and teachers of St Janani Luwum Primary School, Kitgum District. They are represented by Hon. Denis Amere Onekalit and Hon. Lillian Aber. They have come to observe the proceedings of the House. Join me in welcoming them. Kindly, stand up so that we can welcome you, our beautiful guests. *(Applause)* Thank you.

Furthermore, in the Public Gallery this afternoon, we have a delegation of youth leaders from Buhweju West constituency in Buhweju District, led by Mr Junior Muyambi Junior. They are represented by Hon. Ephraim Biraaro and Hon. Oliver Katwesigye Koyekyenga. They have come to observe the proceedings of the House. Please, join me in welcoming them. *(Applause)* Thank you.

Clause 11: Penalty for cultivation of certain plants

MR KAJWENGYE: Mr Chairman, for clause 11, the committee proposes that there be substituted for the clause the following -

“11. Penalty for cultivation of prohibited plants

(1) The Minister responsible for health may issue a licence to cultivate or gather a prohibited plant.

(2) A person shall not cultivate or gather a prohibited plant without a licence issued by the minister responsible for health.

(3) The Minister may issue a licence subject to conditions as the Minister may consider necessary.

(4) A person who -

(a) cultivates a prohibited plant without a licence; or

(b) being the owner, occupier or manager of premises, permits the premises to be used for the cultivation, gathering or production of a prohibited plant, commits an offence and is liable, on conviction, to a fine not exceeding one hundred and twenty currency points or three times the market value of the prohibited plant, whichever is greater, or to imprisonment for a period not exceeding five years or both, and in case of a second or subsequent offender, to imprisonment for life.

Justification

(i) To require the cultivation of prohibited plants to be authorised by licence and not mere consent of the minister.

(ii) To harmonise the provision with Schedule 4 of the Bill which prescribes prohibited plants.

(iii) In compliance with Section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening the provisions of the Bill.

I submit.

THE DEPUTY CHAIRPERSON: Thank you. Committee on Health, did you have an issue?

DR AYUME: Thank you very much, Mr Chairperson. The Committee on Health agrees with the proposals by the chairperson, but recommends a new subclause to be inserted before subclause (4). It reads:

“(3) The Minister shall make regulations providing for the procedures and conditions to be fulfilled for a licence to be granted under subsection (1) of this Act for the cultivation of prohibited plants.”

Justification

To empower the Minister of Health to make regulations providing for the procedures to be fulfilled for the grant of a licence to cultivate prohibited plants.

MR MUWANGA KIVUMBI: This is a clause that is very tricky and it is where Parliament needs to be sober – we are always sober while enacting these provisions. Essentially, it is a provision that is going to allow some people to be permitted to grow even marijuana and other plants. Therefore, we need to be extremely careful.

However, I have an issue. There are, at present, people who have been growing, for example, *miraa*, and up to now, *miraa* has not been a prohibited plant. People have their own gardens. Now, this provision, drafted the way it is, seems to take care of only people who are intending to grow from the day this Act is enacted. I have a feeling that we need a hybrid that does not criminalise those that have been found growing it – of course, I am being careful. Other cannabis and those other crops are prohibited by law. It is only *miraa* that has a small room – which is not being prohibited.

Therefore, the care I would like to appeal to the House to take is not to enact a law that on day one criminalises a particular section of the population without giving them a transition period. I am very keen that in Section 89(g)

of the other law, we had literally empowered the minister to come up with that provision. So, the care I want to ask the committee and the minister to take is that my people and the rest of the - actually, Butambala does not have the highest number of *miraa* growers. Wakiso has more. Even Maracha has more than Butambala. So, it is not to be restricted as if it is a Butambala issue. That is not the issue.

So, the care I want us to take is to ensure that this law, on day one, does not criminalise people who have been found growing it because it has not been a prohibited plant. My reading of this provision is that from the day - and if we agree with Clause 1 which we passed, that means it comes into force on the day of assent.

So, I would beg the indulgence of this Parliament that it must take care of that huge population.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I do not want us to panic over this because the crops that are going to be prohibited are in the Schedule, which we have not yet reached. We cannot be in anticipation because we do not know what is going to be prohibited.

Number two, every law has transitional clauses. In case we reach that side when we are processing transitional clauses, we shall ensure that all these aspects are provided for. Otherwise now, it would be a premature debate, not knowing whether the prohibited or controlled crops are going to be approved under the Schedule or even under the transitional clause, will be allowed.

Hon. Jonathan, do you want to add something?

MRODUR: Mr Chairperson, in principle I have an issue with the wording. By every literature available, once you use the word “prohibited”, it means under no circumstances that crop can be grown. I would like the Attorney-General and the minister to first address us on that.

The moment you say it is a prohibited plant, it means that neither the minister nor anybody else can later on say that it is allowed. Either

we use a different word, maybe “restricted” or “controlled” so that when we go to the Schedule, we shall mention it that way. This means that the handling is actually restricted, but not prohibited.

THE DEPUTY CHAIRPERSON: Sure. Honourable Attorney-General, do you want to comment on that?

MR KIRYOWA KIWANUKA: I think if you use “restricted,” that is temporary. “Prohibited” is like if you went to the airport and they said, “Cameras prohibited”; it does not mean everyone there does not have one. Some people have them. The intention of this law is actually to prohibit; so the first thing is to prohibit. When you come, you are prohibited. The other one is an exception. If it does not really hurt much, honourable colleagues, I do not think there will be any contradiction if we left it like that because we are communicating something to the population that this in Uganda is prohibited. That is the principle. If you wanted to use the word “restriction”, I think it will lessen.

THE DEPUTY CHAIRPERSON: Shadow Attorney-General, now we have gone into issues of the law – interpretation.

MR NIWAGABA: Thank you, Mr Chairperson. Let me begin with the issue I had –

THE DEPUTY CHAIRPERSON: Why can’t you first help us on this?

MR NIWAGABA: This particular one, I agree with the framers of the Bill. The word “prohibition” should be maintained. What will be in dispute is, what are those plants that will be prohibited?

Also, I have an issue with –

THE DEPUTY CHAIRPERSON: Hon. Jonathan Odur is asking that when you prohibit, can you still have exemptions?

MR NIWAGABA: Yes, the law can prohibit and provide for exceptions under the same only that what you prohibit, you cannot allow.

My issue is with the proposed amendment in Clause 11(4) (b). It seems to create strict liability, particularly for landowners. I know, Mr Chairperson, you are among the biggest landowners. Some of these plants –

THE DEPUTY CHAIRPERSON: I want it to go on record that unless you lay evidence on the Table, I am not among them.

MR NIWAGABA: Let me withdraw that. There are some of these plants, which grow naturally even without your knowledge in your field because of cross-pollination. Therefore, I would propose that we put the words, “knowingly permits”. Otherwise, you will find yourself convicting, including the honourable minister next to you, when marijuana has just been in his farm unknown to him.

THE DEPUTY CHAIRPERSON: I totally agree. A strict liability clause on such issues would cause very big problems. Hon. Afidra?

MR AFIDRA: Thank you, Mr Chairperson. Mine was related to what the shadow minister had said, but in some parts of this country, some of these prohibited to-be plants grow wildly and we collect them. My proposal was that if we can say, under Clause 4(a) that:

- (a) “A person who cultivates a prohibited plant without a licence.”
- (b) “A person who gathers the prohibited plants from the wild for this purpose,” because indeed, they grow wildly. How do we cater for it in the Bill?

THE DEPUTY CHAIRPERSON: Honourable Attorney-General, any comment on that?

MR KIRYOWA KIWANUKA: I do not know, Hon. Afidra, whether (b) answers your question:

b) “A person who, being the owner, occupier, manager of premises, knowingly permits the premises to be used for cultivation, gathering or production of a prohibited plant...” I do not know whether that addresses your question.

MR AFIDRA: Mr Chairperson, in parts of this country, these plants grow wildy, and naturally. Here, we are coming up with a Bill that wants the minister to prescribe the cultivation of these prohibited plants. On the other side, if they grow wildy, we equally do not want its gathering for the purpose of the consumption.

The second bit of it is; Ugandans are a little bit good in some parts of this country. Deep in the forest, they would even intentionally grow them with the assumption that it grows wildy.

THE DEPUTY CHAIRPERSON: Attorney-General, do you want to comment again?

MR KIRYOWA KIWANUKA: Thank you. I propose that we rephrase Clause 4(a) to read, “A person who cultivates or gathers a prohibited plant without a licence.”

THE DEPUTY CHAIRPERSON: Thank you. Hon. Enos?

MR ENOS ASIIMWE: Thank you, Mr Chairperson. I am looking at a scenario, for example, where I come from in Lyantonde, farmers have been growing marijuana for medicinal purposes, specifically for cows and for health purposes, on less than an acre. With this law, it implies that we are going to license bigger companies to come and manufacture marijuana for medicinal purposes and export it. That means we are putting this one-acre person out of this business of medicine. *(Interjections)* I could have brought it wrongly, but my argument is this: If we pass it the way it is, we are going to criminalise growing marijuana for medicine on a small acreage - knowingly or unknowingly, as he has said - but then license bigger companies to do it.

My question to the team on the Front Bench is, how best can we do it? How best can we

protect this person who has been doing it for the last several years for cows and their families, without selling?

THE DEPUTY CHAIRPERSON: Even for personal consumption without selling?

MR ASIIMWE: I am consulting the team on the Front Bench. How are we providing for these people?

THE DEPUTY CHAIRPERSON: Attorney-General?

MR KIRYOWA KIWANUKA: Thank you very much, Hon. Enos –

THE DEPUTY CHAIRPERSON: If you have issues related to that, you can raise all of them, then he answers at once. Hon. Kato, was it related to the same?

MR KATO: Yes, Mr Chairperson. It was related to Hon. Enos’. I have about three or four sticks in my banana plantation –

THE DEPUTY CHAIRPERSON: Now, I am going to know who the growers are slowly by slowly, by the time we finish this Bill.

MR KATO: Mr Chairperson, I have only about three or four plants in my banana plantation, specifically for my cows, goats and chicken.

THE DEPUTY CHAIRPERSON: So you are growing knowingly?

MR KATO: Yes. *(Laughter)* Thank you, Mr Chairperson.

THE DEPUTY CHAIRPERSON: Yes, Hon. Lokeris? - It seems some people access it without permission.

MR LOKERIS: In my constituency, the whole mountain has those trees. They were there since – the *wananchi* pick them. I hear the Somalis eat a lot of them. I am told in the bush, they go and take – in fact, it is a foreign currency. Now, I do not know what to do. Do we go and cut the whole forest in a big mountain? What do we do?

THE DEPUTY CHAIRPERSON: Honourable minister, we have not reached that part of the list of prohibited plants. Once we reach it, you will be answered.

DR BATUWA: Thank you, Mr Chairman. I am the Shadow Minister of Health. I would like to bring to the mind of the Attorney-General that perhaps the views coming from colleagues regarding these herbs - since they do not give the effect to the same extent - some are culturally attached to the community, like Members claim; that they have them for their animals.

What if we introduce the word that is used in other legislations similar to these ones, like the one for the National Drug Authority? They use the word “controlled” and talk of “controlled drugs”. These are drugs where you need to get permission or clearance from the minister or NDA from time to time. So, can we create a cluster of the controlled and the prohibited herbs so that we take care of the views that colleagues are bringing to the table?

THE DEPUTY CHAIRPERSON: Honourable colleagues, when we are handling the law here, we look at the intention of the new law. Now, if you have the scope of the Bill, it talks of defects in the existing law and it lists the weaknesses of the National Drug Authority law. That is what it is trying to cure - then, we shall be diverting from the principle and objective of the Bill.

I am going to pick a few of you to submit. Honourable colleagues, I know that when we go to the Schedule, we will address this issue properly.

MR OLANYA: Thank you, Mr Chairperson. We need to be very serious with this. In my constituency, someone hired land from a farmer, and the person is growing opium. From this Bill, we are saying “a person who gives his land knowingly...” For instance, somebody has hired my land and I have no control over him, but the person is growing opium in my land. Do I also stand liable since I did not instruct that person to plant opium in my land?

MR BIRAARO: Thank you, Mr Chairperson. Like many of my colleagues have highlighted, it is a fact that the people in our communities who have got domestic animals such as cows, goats, sheep, pigs, and even chicken, use this plant as a drug. It is even used as a vaccine against coccidiosis and other diseases.

We also grow them in pots as flowers in our places. For example, if I go to Kikamba LCI in my village, I will find a number of people with one, two or three bushes. So, as we legislate –(*Interjection*)- for medicinal purposes and animals. It is part and parcel of a herder’s life and a repellent for mosquitoes. As we legislate, we need to know these facts so that we move on.

THE DEPUTY CHAIRPERSON: Now, honourable colleagues, some of us come from remote villages. When you go to these villages, you will find a youth who has never even stepped in any town. Assume my village which is deep in Biteereko; a youth has never stepped in Ishaka or Rukungiri Town near us, which are modern towns. However, you find youths high on drugs and are a problem to society. Where are they getting those drugs? You are planting them for cows, but someone is consuming them and causing havoc in society. Do you want this to continue? Do you want to give up on people because you want to look after cows? It is happening.

Honourable colleagues, let me tell you this: If you have not had a drug addict in your family, you will continue joking. If it has happened to you or you have a drug addict who has raped a person in your area, then, that is when you will understand what it means. I will stop there.

Hon. Jonathan, did you want to guide on that?

MR ODUR: Thank you, Mr Chairperson. I am seeking clarification from the committee chairperson and ministers. When you speak of a licence, it supposes certain procedures. For example, if you go to the labour export licences, you advertise them; there is a public hearing and a mechanism for appeal.

To ensure that every applicant is given a fair opportunity - if at all it is open, that people can apply to grow - whether for domestic or for animals and whatever purpose. If you retain this provision as it is, what are the safety nets for the grant of a licence? Once we speak of a licence, we are not speaking of any other document. That is the concern I have here.

Otherwise, I propose that we stand over it so that we address the issue of the licensing regime and the procedures to be clear for this purpose. If not, some people will be excluded and then they will have no redress for appeal.

THE DEPUTY CHAIRPERSON: Thank you. That is a very serious issue because you already have some people who have a licence and others cannot get it. So, how are we going to ensure it is not for a chosen few and it becomes for dealers?

MR ABRAHAMS LOKII: Thank you, Mr Chairperson. While I agree with Hon. Odur, I thought we needed to reflect on the question of income and the big numbers. With this idea of saying that there will be big companies coming to grow the herbs, isn't it possible to register those who are already involved in the growing? This will enable us to know the quantities, numbers, and ensure that the factory that is going to produce drugs out of these psychotropic substances, specifically buys from Ugandan growers.

MR BATARINGAYA: Thank you, Mr Chairperson. I am very sure that the whole cattle corridor has some plants for animals. Now, we have also picked up keeping other animals other than cattle such as sheep, goats, and even chicken. So, my question is; how is this going to be handled? Suppose the chosen area is extremely outside the cattle areas, how will these cattle areas, who have traditionally accessed these drugs for their cattle, access this substance?

MR OTINGIW: Mr Chairperson, the Attorney-General had alluded to us adding the word, "knowingly" only on Clause 11(2)(b). I propose that we include the word, "knowingly"

in Clause 11(1) where we said, "No person shall knowingly cultivate any prohibited..." This is because not everybody knows which of these plants are prohibited and we have already ascertained that they grow wild as well. So, you may continue cultivating it without knowing it is prohibited.

MS AYEBARE: Thank you, Mr Chairperson. I buy your confession that there are youths deep down in the villages who have never gone to towns, but they have been high on these drugs. I believe that it is a result of these small plants within our homesteads. We have treated cows with other drugs and they are not necessarily planted at home, neither do we buy them from the nearby shops.

I am from a cattle corridor area. Can we begin buying those drugs or plants from licensed people other than allowing everyone to plant these plants that will end up being consumed by our children and making them high all the time? I submit.

THE DEPUTY CHAIRPERSON: Thank you. For the record of our viewers outside, this is Hon. Margaret Ayebare Rwebyambu, Woman MP, Mbarara, not Margaret Rwabushaija and she is NRM not Independent.

MS AYEBARE: Thank you, Mr Chairperson, for that clarification.

DR RUTAHIGWA: Thank you, Mr Chairperson. My biggest concern is cultivation and already, we have seen there are many issues around cultivation.

One, we need to define cultivation because if you have two or 10 plants for your animals, are you cultivating?

Secondly, where are we cultivating? Is it in our community where our youth can easily access the plantation and start taking it? I think the issue of where we are planting is very important. Thank you.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I want to tell you this: in fact,

[The Deputy Chairperson]

one of the two plants is more of a danger to the community than the rest. Because you do not care for them, you take them for granted, but there is someone benefiting from those plants. Even killing one youth in a community cannot be compared with saving 10,000 cows. A human being is irreplaceable.

There are things where we have to be serious. I do not know if we are going to be a House that will sit here and say, we shall allow the growth of marijuana for feeding cows; two or three plants. Which kind of record shall we be setting? I want us to be serious when making these laws.

MR LEKU: Thank you, Mr Chairperson. I will go with your guidance that we should not allow these plants to be grown at home.

There is a reason why people moved from manufactured drugs to these plants. One of the reasons is that manufactured drugs are not available and they are expensive for the communities. What we need to do is for the Ministry of Agriculture to take it from here. They should make these drugs available and affordable in the communities so that farmers are able to access them. Thank you.

THE DEPUTY CHAIRPERSON: Thank you.

DR BARYOMUNSI: Mr Chairperson, I have been to a licensed farm of marijuana in Kasese and it is strictly prohibited from the public unless you have been authorised. It is properly fenced and they grow the marijuana for commercial purposes.

I think we should not allow, as you have guided, our cattle keepers to just plant those two, three, four, five plants. That is where the leakage and abuse will be happening and the youth in Bitereko getting drunk.

We have the law on the National Drug Authority (NDA), which lists drugs, both human drugs and veterinary drugs, to be used in the country. I do not think these plants are listed on the authorised drugs.

I just want to appeal to those from the cattle keeping communities that we should be strict and disallow even those few plants, which people keep in their farms because the animals can still be treated using other drugs, which the law prescribes. Thank you.

THE DEPUTY CHAIRPERSON: I had allowed Hon. Ruhunda.

MR RUHUNDA: Mr Chairperson, we in the cities, receive the effects much worse because many of the youth, especially in the ghettos and those who are jobless, depend on drugs. We have been looking at the supply chain; where are these drugs coming from? Actually, they come from the interior. Maybe the cattle corridor has also added a lot to Fort Portal's demise. We lost a family; a man killed four members of his family.

The crisis is so big, Mr Chairman, we need to find a mechanism. How do we help families who are already affected by these mentally derailed young persons? The families cannot afford the cost of handling this kind of situation. I think this law, as we get going, needs to put a mechanism for how to support and remove the crisis out of our society.

THE DEPUTY CHAIRPERSON: It is already provided. Colleagues, we have to move. Attorney-General -

MR KIRYOWA KIWANUKA: Honourable Chairperson, the NDA Act, Cap. 206, which was enacted in Uganda about 60 years ago, prohibited the growing of cannabis. The Psychotropic Act of 2016 only made better what the NDA Act already had. So, if anyone has been growing cannabis casually, you have been committing an offence because it is an offence already in the law.

There is nothing that stops anyone from applying for a license, whether small or big, but that person will then be under the scrutiny of the Government to know you have applied for a license for one acre and you are responsible for that drug.

Honourable members, this one is one of the things that we are not saying you cannot do by whatever size. I beg and implore you colleagues, that let us allow the minister to regulate this. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable colleagues, I now put the question that clause 11 be amended as proposed.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

THE DEPUTY CHAIRPERSON: The different proposed amendments that had been conceded by both are always captured and we will polish everything knowingly when we are cleaning up.

Clause 12

MR KAJWENGYE: Clause 12 is about the power of -

THE DEPUTY CHAIRPERSON: Just wait a little bit. I think we have a part for licensing in the Bill. Hon. Jonathan Odur had raised an important point, which I had expected you to respond to; whether you would be satisfied.

MR KIRYOWA KIWANUKA: Honourable Chairperson, the Chairperson of the Committee on Health did propose that an insertion be made after clause 11(3) that the minister shall make regulations providing for the procedure and conditions to be fulfilled for a license to be granted under subsection (1) of this Act for the cultivation of prohibited plants. He did submit that.

THE DEPUTY CHAIRPERSON: I think it will be important for those regulations to come here and we shall ensure that all those issues are handled. Chairperson, you were at the Table.

MR KAJWENGYE: Thank you, Chairperson. Clause 12 is about the power of entry in respect to Government land and other land.

For clause 12, there is substituted with the following:

“(12) Power of entry with respect to land

- (1) A police officer not below the rank of inspector or a person authorised under this Act, who has reasonable grounds to believe that a prohibited plant was or is being cultivated on any land or in any premises without a licence may, by himself or herself with such assistance as in his or her opinion is reasonable, enter upon and inspect the land or premises.
- (2) A police officer who enters land or premises under subsection (1) may arrest or cause the arrest of a person suspected of cultivating the prohibited plant and confiscate the prohibited plants cultivated in contravention of the provisions of this Act.
- (3) A person who obstructs a police officer or an authorised person in the performance of his or her functions under this section commits an offence and is liable, on conviction, to a fine not exceeding Shs 50,000 currency points or to imprisonment not exceeding two years, or both.

Justification:

- (i) To remove the distinction created by the provision relating to Government and private land.
- (ii) For completeness, to prescribe the powers that can be exercised by a police officer who enters any land, including the power to arrest a person who is suspected of cultivating the prohibited plant as well as confiscating the prohibited plant.
- (iii) To ease enforcement of the provision by allowing any police officer, without distinction in rank, to enter land for purposes of ensuring that prohibited plants are not grown on the land or premises.

Mr Chairman, I submit.

THE DEPUTY CHAIRPERSON: Thank you. Honourable minister?

GEN. MUHOOZI: I concur, Mr Chairperson.

MR NANDALA-MAFABI: Thank you, Mr Chairman. Plants are grown on land. When you say “premises”, what do you mean? Number two -

THE DEPUTY CHAIRPERSON: Someone has said they are grown in flowerpots – a Member here confessed. *(Laughter)*

MR NANDALA-MAFABI: Yes, but that is land. Okay, maybe greenhouses should be land. Secondly, those days, in Kenya, when a police officer wanted to make money from you, he would come with a bad object like drugs and put it in your pocket and then arrest you and say he got you with drugs -

THE DEPUTY CHAIRPERSON: Hon. Nandala, you are referring to enforcement agencies of a certain country.

MR NANDALA-MAFABI: I am coming -

THE DEPUTY CHAIRPERSON: No, I want us to be conscious. I do not want a diplomatic row here – referring to legal agencies of a certain country and saying they were involved in such acts.

MR NANDALA-MAFABI: That is withdrawn, Mr Chairman. I want us to know the mechanism we have put in place *-(Interjections)-*

THE DEPUTY CHAIRPERSON: You have awakened him. *(Laughter)* Please, continue.

MR NANDALA-MAFABI: What mechanism do we have in place to deal with police officers who come in and allege that they confiscated something and arrest a person, yet it is for purposes of wanting either to cause injury or extortion?

MR KAJWENGYE: Thank you, Mr Chairman. That is why we are defining it. It is not any police officer. We have even put

the rank. It is assumed that at the rank of “Inspector”, you are professional enough not to do acts that any other police officer below that can do.

MR ODUR: I have not yet found the specific one, but ahead, we have a provision for vexatious or malicious arrest somewhere in the Bill. For police officers who will arrest, detain or do such things, there is a punishment for them.

THE DEPUTY CHAIRPERSON: It is in clause 18.

MR ODUR: Thank you.

MR ESENU: Mr Chairperson, our LCs actually know the owners of most of this land, yet in most of the enforcement, we are excluding them. In order to access somebody’s premises, why can’t we include maybe “alongside the LC” so that at least we avoid the problem that Hon. Nandala is talking about.

THE DEPUTY CHAIRPERSON: Honourable minister?

GEN. MUHOOZI: Mr Chairperson, we are specifically mentioning officers of a certain rank to avoid exactly what they are saying: abuse. That is why we are restricting it to policemen.

MR ESENU: Thank you, Mr Chairperson. I heard, with a lot of respect, the response of the minister. However, in the entire Bill, we have not assigned a responsibility to the LC structure – LCs I, II and III – yet this is a grassroot problem.

In some districts such as mine, you have a police post almost per two or three subcounties. So, I would be happy if this Bill could provide for the LCs to be part and parcel of the process of identifying, informing and also supporting the police in the arrest and the respective activities taking place over this matter. Thank you.

THE DEPUTY CHAIRPERSON: Honourable member, the law we are making is putting obligations, not “supporting”. When

you are making a law, the supporting law does not need to be provided for under the law.

We are putting obligations on people. Do you want an LC I chairman to be arrested because someone in their village is dealing in drugs?

Shadow Attorney-General?

MR NIWAGABA: The proposal by my good friend, the honourable member from *Tesoland*, would offend the provisions of Article 93 of the Constitution because you would be giving them responsibilities without the attendant certificate of financial implications.

THE DEPUTY CHAIRPERSON: Thank you. Also, remember that these people dealing in drugs are armed and very dangerous. If you send an LC I chairman, he could be killed.

I put the question that clause 12 be amended as proposed.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13, agreed to.

Clause 14

MR KAJWENGYE: Thank you. Mr Chairperson, clause 14 concerns the licences for export, import, manufacture, sale, production or distribution.

The committee proposes that clause 14 be amended –

- (a) In paragraph (a), by inserting immediately before the word “issue” the words “for medical purposes”;
- (b) By substituting for paragraph (c) the following –

“prescribe the records to be kept by a holder of a licence for sale, manufacture, production, importation, exportation or distribution of specified narcotic or psychotropic substances.”

- (c) By numbering the current provision as subclause (1) and inserting immediately after, the following-

“The National Drug Authority shall-

- (a) keep and maintain a register of persons authorised to sell, manufacture, produce, import, export or distribute narcotic or psychotropic substances; and
- (b) Regulate and issue guidelines for conducting clinical trials involving narcotic drugs and psychotropic substances.”

Justification

1. In compliance with Article 4(c) of the Single Convention on Narcotic Drugs, 1961, to limit the sale, manufacture, production, importation, exportation, possession or distribution of specified narcotic or psychotropic substances for medical and scientific purposes;
2. To prescribe additional functions for the NDA, including regulating clinical trials and registering and maintaining a register of licences, to ease obtaining information pertaining to licences granted for the sale, manufacture, production, importation, exportation, possession or distribution of specified narcotic or psychotropic substances.

I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. The Chairperson of the Committee on Health?

DR AYUME: Thank you very much, Mr Chairperson. We agree with the amendments by the Committee on Defence and Internal Affairs. However, we wanted to make an amendment by substituting paragraph (c) with the following:

“(c) Prescribe the records to be kept for the export, import, receipt, sale, manufacture, production, disposal or distribution of narcotic

drugs, psychotropic substances or their precursors.”

The justification is to provide for the record of precursors.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I see this is a clause we do not need to stand over; we can handle it. The moment we agree with the precursors, we maintain it. The moment we do not agree with the introduction of precursors, it will be dropped in the clean-up. Hon. Songa.

MR SONGA: Thank you very much. I want to thank the Chairperson of the Committee on Defence and Internal Affairs for the submission. However, I want to give this information that these plants we are talking about cannot only be used for medical purposes.

With time, you will discover that they can be used in industrial textiles, for making printing papers, building materials and other food ingredients. This is lucrative income we can get from these other products. So, I do not know why we should restrict them to only medical.

THE DEPUTY CHAIRPERSON: Thank you. Hon. Afdra.

MR AFIDRA: Thank you, Mr Chairperson. Clause 14 is critical to some of us, whereby our constituencies are already engaged in - in anticipation – growing of some of these plants.

Now that they seem not to be catered for, making reference to the honourable member whose name I have forgotten, the fact is that there are already communities, which are engaged in the value chain of the entire plants in our community as a country. This law should work for everybody.

To what extent shall we then involve, in this law, those who are already involved in the production? For now, we may not exactly determine for what purpose they are using these plants. This is because earlier on, the report indicated that there is no substantive data to tell us how many of these plant growers

are in this country and for what purpose they are being used.

I want to make reference to West Nile, where we have farmers who are engaged in the entire value chain and all their livelihood is around some of these plants. So, my submission would be that the law should cater and transform these communities to benefit, for its transformation to be used for medical purposes. How do we put it in the law? That is where I am a little bit green.

THE DEPUTY CHAIRPERSON: Thank you. The Attorney-General informed you earlier that under the National drug policy and Authority Act, it is illegal. They are already committing a crime. Now, this law is saying, “No, they can be licensed”. So, this is even better than the existing law. Hon. Jonathan?

MR ODUR: Mr Chairperson, can we be guided by the Attorney-General and the chairperson of the committee on the intention of clause 11, which we had already passed and now clause 14? It is the licensing and from what I hear from colleagues, the word “production”.

Is “production” under clause 14 the same as “cultivation” that we have passed under clause 11 or the “production” being mentioned here refers to another process relating to the manufacturing of the drug and not the production of the raw materials? I think it can guide us better.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. I think in this reference, production is value addition. When you go to the definition clause, it shows you how the separation is done. So, clause 11 is dealing with the ordinary cultivation. The second one is the commercial production and sale, and et cetera – so value addition. Thank you.

MR NDYOMUGYENYI: Thank you, Mr Chairperson. In the heading of the clause, I see the word “import”. It confuses me because if we are talking about narcotic substances within the country, how do we now involve ourselves in the importation of these substances? That is the clarification I seek.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I just want to inform you that we shall not finish this Bill today. That must be known because we have around 80 clauses; you can see where we are.

So, I want us to push up to around 7.00 p.m. We cannot jump one clause and go to the others, so, we shall continue because I want us to give it enough time and attention. We need to pass a very smart Bill, where every view is captured. No one should think we shall rush and finish it today. We are not able to, considering the way I want us to do this. Hon. Aisha?

MS AISHA KABANDA: Thank you, Mr Chairperson. In clause 11, we said the minister will license. However, I did not even understand which minister that is; I rose then and was not given permission. We have two ministers in this case. We have the Minister of Internal Affairs and the Minister of Health. The amendment said “the minister”; they did not clarify. That said, my question was not only that.

Clause 11 is about the minister licensing and clause 14 is about the National Drug Authority licensing. Are we going to have different organs of Government licensing production of this drug?

THE DEPUTY CHAIRPERSON: Thank you. Now, on the minister, we have a proposal from the Committee on Health. When we reach the interpretation clause, we shall define the minister. We shall include it and when the House agrees, the proposal will be carried to provide for both.

There is something, which the chairperson or the Attorney-General wanted to clarify.

MR KAJWENGYE: Thank you. On clause 11, the minister is clear. One, it is the minister responsible for health and that is about the licences. On production, you already explained it.

On the issue of the import that Hon. Ndyomugenyi is talking about, we were told

specialised seeds are imported after licensing. So, that is the “import” we wanted to capture.

MR MATOVU: Thank you, Mr Chairperson. I had the privilege to be in one of the sessions of the committee. Some of the information that I have here was not captured and I believe if I shared it with the committee here, you might take it in good faith.

THE DEPUTY CHAIRPERSON: Did you sign the report?

MR MATOVU: Well, I am not part of the committee, but attended as a Member of Parliament. Some of the information that was captured there by a group that was invited was that *Khat* –

THE DEPUTY CHAIRPERSON: That was captured or presented?

MR MATOVU: Presented. It was that *Khat* is grown in 17 districts in Uganda and about 7 million people are engaged in the activity.

Mr Chairperson, you always emphasise that we give evidence-based submissions. We have certainly gotten some information that the World Health Organisation does not, in any way, consider *Khat* as a psychotropic.

THE DEPUTY CHAIRPERSON: Are you submitting on clause 14?

MR MATOVU: I am giving information where the Member said – I will bring it in the schedule.

THE DEPUTY CHAIRPERSON: That is it; now you know it. I am happy with you, honourable colleague.

DR BAYIGA: Thank you very much, Mr Chairperson. When looking at clause 14, there are psychotropic substances such as aviation fuel that are beyond the jurisdiction of the National Drug Authority, which is at the disposal of very many young people. We have not housed it anywhere in this Bill. I do not know if the chairperson of the committee took

cognisance of the aviation fuel, which people sniff, where it comes from and its supply chain.

The second concern is that we do not want to be caught off after finishing this law. I read the objects of the Bill. The Bill seeks to do the following:

- (a) Provide deterrent measures against local drug abuse;
- (b) Establish mechanisms for the rehabilitation of drug addicts.
- (c) Put in place measures to save Uganda from being a transit route for consumers of these drugs;
- (d) Facilitate the cooperation of the international community in the fight against drug trafficking;
- (e) Establish mechanisms for generating resources for the law enforcement agencies.

In the objects of the Bill, I do not see the nexus between the objects of the Bill and cultivation. I want to be guided, Mr Chairperson, why we are delving into the cultivation of narcotic plants vis-à-vis the objects of the Bill. I do not see the nexus.

THE DEPUTY SPEAKER: Thank you. Number one, if we go to the schedules, we shall have a list of all psychotropic substances; they will be listed there like the aviation fuel and all that. It can be added to see how best it can be controlled.

Two, the title of the Bill says, “An Act to consolidate and amend the law relating to narcotic drugs and psychotropic substances with respect to the control of the possession of trafficking in narcotic drugs and psychotropic substances and cultivation of certain plants”. It is already provided for. We are doing well.

MR NIWAGABA: My concern is on clause 14 regarding the wording that is giving the National Drug Authority the right to prescribe

the manner in which certain matters must be done. We know that the National Drug Authority cannot make regulations. They do not have the authority because the power to make regulations is a delegated power from this Parliament to a minister.

How will the National Drug Authority bring into force clause 14(2) and (3)? And, how will the public come to know? Why would it do it in such a way that it does not offend the powers of Parliament and those we have given the minister?

MR KIRYOWA KIWANUKA: Thank you very much, Mr Chairperson. The National Drug Authority is an agency of the Government and it is housed in the Ministry of Health. The National Drug Authority can actually make regulations through its minister and actually, the National Drug Policy and Authority Act provides for the National Drug Authority to make regulations and we are providing for that.

However, when it comes to signaling the regulations to the public, it is done by the Executive arm and the concerned ministry is the Ministry of Health. So, they will be signaled. The National Drug Authority will prescribe and then by statutory instrument, the minister will do it. It will be done by the Ministry of Health. That is what we do currently.

THE DEPUTY CHAIRPERSON: So in short, the Government will not work in silos; the Government works together. I had allowed doctor.

DR MUSA: Thank you very much, Mr Chairperson. On clause 14, subsection (b) where the exporters are supposed to keep the records, I am proposing that we need to have a duration for these records. How long are they going to keep these records for production, export, and import? Is it going to be the duration of the license or is it for some specific period? Thank you.

MR KIRYOWA KIWANUKA: Kindly, allow us a minute to try and draft. I think it is a legitimate requirement. If I understand it

correctly, the Member is proposing how long would the person be required to keep that record. So, if the Government asked for it, can the Government go there after one year, two years, or three years? If you can just allow us just one minute to just draft it, then we can come back to you.

THE DEPUTY CHAIRPERSON: Okay. Let me pick other views. Hon. Komakech?

MR KOMAKECH: Thank you, Mr Chairperson. Mine is on production. Lately, confectionery shops produce cookies and cakes out of marijuana. We speak of production here, but we have not captured it.

On stage performances, they are fumes released during these performances. What these businessmen do or custodians of the business is that they get marijuana and make it into fumes and release it into people unknowingly and people keep on going back to the same clubs. How does the law deal with that?

THE DEPUTY CHAIRPERSON: What Hon. Komakech is raising is something a few people have confessed to me. Someone told me he attended a normal birthday party and was given cake. He only remembered when he was in the hospital. Yes. You see our young people high and now, with *TikTok*, they get high. These fumes they release into the public - I am told sometimes they put it in so that you get hyper and cheer musicians and performers.

You will be jumping and cheering, but the next day, you ask yourself: was that me, what made me that happy? When someone charged you without knowing. You are inhaling a very dangerous substance.

MR MUWANGA KIVUMBI: Dr Lulume will bear with me - We were in Thailand with the Committee on Budget. Everywhere we went to, the soup they served as an appetiser had leaves and you could see them and everyone enjoyed it.

THE DEPUTY CHAIRPERSON: How come it was never part of the report you presented here? *(Laughter)*

MR MUWANGA KIVUMBI: So, the draft of the report just got excited. On this issue, we have to be very careful on how it is applied. But I had a very specific issue.

THE DEPUTY CHAIRPERSON: Hon. Komakech, the issue has been clearly provided for; when you are in production and then you divert. I think that was under clause 4 where we sufficiently addressed all these issues.

MR MUWANGA KIVUMBI: But I have seen you trying to say, "Manufacture" and "production." What is the difference between manufacture and production? Do we really need the two? If we have captured "manufacture," do we need to capture "production?" - *(Interjections)*- This is by the National Drug Authority at value addition, not the cultivation.

MR KAJWENGYE: The difference is humongous. Manufacture is by value addition. Production is when you put two or three together and you produce something different.

THE DEPUTY CHAIRPERSON: I think that is a draft language, which ensures that indeed, we do not leave room for anything. Attorney-General, did you want to give us information?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. We are proposing to address the issue of the time; to insert a clause right after (1) - We will renumber (14) to include (1) and then a (2), to read, "The records prescribed under paragraph (1)(c) above shall be kept by the person licensed for a period of seven years." I beg to submit.

MR ODUR: Mr Chairperson, I beg to differ. When you are issued with a licence, the terms and conditions are prescribed. You do not need to prescribe it here in the law. All the licences that are given, whether for aircrafts or anything else, there are accompanying terms and conditions. Therefore, the NDA will prescribe whether it is seven or two years, where you should keep or display. All that cannot come here at this stage.

THE DEPUTY CHAIRPERSON: But which one is stronger? For example, by law, you are supposed to keep financial information for seven years. You have data, which you are supposed to keep for two years. Where do we find it much stronger? Is it under the license so that we leave it to the minister in the regulation or within the law here?

MR KIRYOWA KIWANUKA: Mr Chairperson, there is no contradiction whether you put it in the law or in the regulation. However, if you leave it to the NDA, you have left them the discretion to ask them to keep the records for two years. If you put it in the law, then the NDA can only tell them to keep the records for seven years to comply with the law.

The Member raised a very fundamental point. Here, you are dealing with control of the use of these drugs. Therefore, Parliament may be interested in knowing that when a person is licensed, you do not have to rush to audit that person or check. You can go in seven years and find those records. If you do not find them there, they commit an offence.

However, if you do not then they may be given a shorter time. I propose that the Member's proposal be carried and we make the provision here for seven years.

THE DEPUTY CHAIRPERSON: Let us provide for it here.

MR NANDALA-MAFABI: Mr Chairperson, first, the committee in the heading says, "Manufacture sale." I think there needed to be a comma. We could make it, "manufacture, sell."

What I wanted to raise is about importation. I heard the chairman say there are countries, which allow us to import seeds. That means they have legalised drugs to be imported. Is it provided somewhere what type of seeds we should import? We could import dangerous seeds to this country.

Number three, there is something called gum for shoes. Most boys and girls get that gum and

inhale it. You can call it super glue, but it is purposely for –

THE DEPUTY CHAIRPERSON: It is contact glue.

MR NANDALA-MAFABI: Yes. How are we going to prescribe for such? It is meant for shoes, but people are inhaling and they become mad.

THE DEPUTY CHAIRPERSON: Let us go to the schedule. I think it was Schedule 5, if I remember, in the proposed Bill, but he has raised an issue, which I need you to address on importation.

MR KAJWENGYE: Thank you, Mr Chairperson. The law defines both manufacture and production in the definition part; so, the Member is catered for.

On importation, in the NDA Act on which licences have been given, importation of any seed is after license. The regulations and all that are properly catered for. We only need it to be clear and make sure we capture it.

THE DEPUTY CHAIRPERSON: Even then we can capture it under the Schedule.

MR AFIDRA: Mr Chairperson, from my small chemical background, those compounds that Hon. Nandala-Mafabi and Hon. Bayigga referred to - In my understanding of clause 10, which we actually passed - we would have recommitted it - it says, "Supply of toxic chemical inhalants." My understanding is that this should have comprehensively been catered for under that because these are chemicals that we inhale. I will give you an example –

THE DEPUTY CHAIRPERSON: Hon. Afidra, the Schedule is where we are listing all of them; under Schedule 5. We shall not leave anything to chance. I now put the question that clause 14 be amended as proposed.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

Clause 15

I beg to submit.

MR KAJWENGYE: Thank you. Clause 15 is on penalty of failure to furnish information or produce evidence. For clause 15, there is substituted the following:

THE DEPUTY CHAIRPERSON: I put the question that clause 15 be amended as proposed.

“15. Penalty for failure to furnish information or to produce records and documents.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

A person who,

Clause 16, agreed to.

a) Fails or refuses to comply with any obligation to provide information or to produce a book, record, document or other materials required under this Act or any order made under this Act;

Clause 17

MR KAJWENGYE: Mr Chairman, clause 17 concerns the owner of land informing the police officer.

b) In compliance with the provisions of this Act, gives information which is false, or produces a book, record, document, or other material which contains any statement which is false in a material particular;

For clause 17, there is substituted the following –

“17. Owner of land to report to police cultivation of prohibited plants

c) For the purposes of obtaining a grant or renewal of a licence or any other authority under the National Drug Policy and Authority Act:

(1) The owner of land or any other person with interest in land who has reason to believe that a prohibited plant is cultivated on that land in contravention of this Act or that the land is prepared for a purpose of cultivating a prohibited plant, shall report that fact to police.

i) Makes a statement or gives information which is false in a material particular; or

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding 500 currency points or three times the market value of the prohibited plant, whichever is greater, or to imprisonment for a period not exceeding five years or both.

ii) Produces a book, record, document or other material containing a statement, which is false in a material particular, commits an offence and is liable, on conviction, to a fine not exceeding 25,000 currency points or imprisonment for a period not exceeding 10 years or both.”

(3) For purposes of this section, a reference to the owner of land or any other person with interest in land includes the holder of a lease, licence, grant, permit or other right in land, whether held individually or in association with others.”

The justification for this is:

i) To make provision for strict liability to enhance compliance;

The justification is:

ii) In compliance with section 37 of the Interpretation Act, to prescribe the maximum penalties that may be suffered by a person convicted for contravening the provision.

i) For clarity and better drafting, to impose an obligation on the owner or holder of a right in land to report to police wherever

prohibited plants are cultivated on the land.

- ii) To enhance the effectiveness of the provision by prescribing a penalty for noncompliance.

I submit.

MR OLANYA: Mr Chairman, this is where the problem is – like I raised it the other time: why do you want to shift the burden to the landowner who has already given out his land and somebody has already rented it? For example, in our area, somebody may be given hills, maybe 100,000 acres, and he rents them. I will not be in position to know what is happening on my land. Why do you want to put the burden on me to report that person to the police? I do not know what the person is doing -

THE DEPUTY CHAIRPERSON: Honourable members, if you listened to the committee chairperson, he said: "... who has a reason to believe that a prohibited plant is cultivated." If you do not know, you do not have a reason to believe. This is for someone who knows. They are saying that if you know, you must report.

MR SONGA: Thank you. The Attorney-General guided that these prohibited plants can only be grown under a licence and we accepted that.

Secondly, earlier on, we had talked about giving responsibility to the LC 1 chairperson. Information came in that these farmers are so powerful that we are putting the LCs at risk. How about putting the owner of the land at risk?

Thirdly, if we are growing this prohibited plant under a licence, does it mean the owner of the land must check our licence? Thank you.

MR KIRYOWA KIWANUKA: Thank you, Mr Chairman. In law, we have a principle called "the Rylands v. Fletcher" rule – that if you bring onto land something which is dangerous and it

spills over to other people, you, the owner of the land, are liable. Your interest in your land never ceases. So, you cannot look aside and say: "Something dangerous is being done on my land - I know it, but I have leased it out." You must also remember that the population and the public only knows the owner and does not know who is on the land.

Therefore, the responsibility of the land owner is majorly different from that of the LC 1. If you know, and like the committee chairperson said, the law only requires you to have a reason to believe. If you do not have a reason to believe, there is no burden on you. What the law is saying is that if you know and you do not speak, then, you commit an offence.

THE DEPUTY CHAIRPERSON: Thank you. A good example, honourable colleagues, is that your neighbours can come to you and say "they are cultivating marijuana on your land". Your role is very simple: to report it to the police. Then, the police will investigate. It is a minimum requirement. People must know that they have obligations. We are fighting a very strong vice.

MR RAUBEN ARINAITWE: Thank you, Mr Chairman. For the case where marijuana grows in the wild, like in forest reserves and national parks, what happens?

THE DEPUTY CHAIRPERSON: Do you now want to own all the wild land in your area?
(Laughter)

MR RAUBEN ARINAITWE: For clarity, in the national parks and forest reserves, these primates – the chimpanzees and baboons – do self-medication and that is what they feed on.

THE DEPUTY CHAIRPERSON: Honourable member, this clause is handling private land. We will cross that bridge when we get there.

MR NIWAGABA: I just want to add a word immediately before "who has reason to believe", the word "knowingly" so that you capture the two legs. He may know or if he does

not know, he must have a reason to believe, but he has closed his eyes to the truth.

MR NAMBESHE: Mr Chairman, we are talking about land under preparation. It would be very difficult for someone to know that this land is being prepared for the planting of a prohibited crop. Someone malicious may hinder development on a given land with the report that it is being prepared for a prohibited crop.

THE DEPUTY CHAIRPERSON: But if you do not know, you are not liable. If you report – Attorney-General, can you help us with that?

MR KIRYOWA KIWANUKA: I think the next clause will answer you: penalty for malicious entry, seizure, arrest, etc.

THE DEPUTY CHAIRPERSON: Honourable colleagues, let us move. I now put the question that clause 17 be amended as proposed.

(Question put and agreed to.)

Clause 17, as amended, agreed to.

Clause 18

MR KAJWENGYE: Mr Chairman, clause 18 is about penalty for vexatious or malicious entry, seizure, arrest.

Clause 18 of the Bill is amended -

- (a) In the headnote by deleting the words “vexatious or” and “etc.”
- (b) In paragraphs (b) and (c), by substituting for the words “vexatiously and unnecessarily”, the words, “without reasonable cause.”

The justification is to remove words which are incapable of the exact definition in order to enhance the effectiveness of the provision.

I beg to submit.

MR ENOS ASIIMWE: I believe under this clause, we can include a clause to deal with the planting of evidence.

THE DEPUTY CHAIRPERSON: Doing what?

MR ENOS ASIIMWE: Planting of evidence. As in, what Hon. Nandala had mentioned; somebody bringing an illegal substance within the premises of the suspected person maliciously.

THE DEPUTY CHAIRPERSON: But that is malice.

MR ENOS ASIIMWE: It does not specify that, if you look at it properly.

THE DEPUTY CHAIRPERSON: Attorney-General, can you satisfy a colleague?

MR KIRYOWA KIWANUKA: Thank you, Mr Chairperson. The offences already exist in the law, in the Penal Code. If you frame someone, if you cause malicious prosecution, those already exist.

But here, this particular Act is introducing an offence against a police officer because the police officer, under this Act, has been given the power to enter and seize, which he did not have in any other law. Now he has been given the power to enter and seize and even arrest someone under this law.

So, they are saying that if you exercise that power maliciously or without reasonable cause, you will be charged. But if you maliciously frame someone, there are other offences. So, this is a new offence created by a new obligation created for the police.

THE DEPUTY CHAIRPERSON: Thank you. Meaning the law is not applied in isolation.

MR NIWAGABA: I just wanted to inquire from the Attorney-General. When you look at the clause, the headnote uses the word “malicious” but in the body of the clause, the word “malicious” is omitted. Could we

substitute it with the word “recklessly” so that the headnote marries the main body of the clause?

THE DEPUTY CHAIRPERSON: Or we can amend the headnote.

MR NIWAGABA: My proposal would be that in clause 18(1)(b) immediately after the word “vexatiously”, we instead of the word “unnecessarily”, substitute the word “unnecessary” with “maliciously”. So vexatiously and maliciously. Actually, it should not be and, it should be and/ or “maliciously seizes” so that the two may be used interchangeably.

THE DEPUTY CHAIRPERSON: Let us read it out together. Because the committee proposed to delete or, then you use without reasonable cause.

MR NIWAGABA: So, my proposal would be: (b) “vexatiously and/or maliciously seizes the property of any person” and the rest.

THE DEPUTY CHAIRPERSON: Now, the committee is arguing that those words are incapable of exact definition. That was the argument of the committee. So, can we reconcile our positions?

MR KIRYOWA KIWANUKA: Honourable colleague, if I could just convince you, I think I was convinced by the committee, because the committee says, “without reasonable cause.” So, the burden has been shifted to the police officer to show what was reasonable cause. I had this evidence, I had this report - but when you say malicious, I may have reasonable cause, but it is seen as if it is malicious. But to accommodate all, we could say “maliciously and or without reasonable cause.” That caters for all of them. So, maliciously and or- so “vexatiously and or maliciously, without reasonable cause.”

MR ENOS ASIIMWE: As much as I am not satisfied with the Attorney-General’s explanation on planting evidence, I also believe that giving one year or both for a police

officer who has maliciously arrested or planted evidence against an individual- I think one year is not deterrent enough because chances are that - if you look at countries which have been fighting the problem of drug enforcement and all that, actually drug use and enforcement, police officers are using it to settle scores with their opponents.

So, I think we need to be specific on this and put a stronger measure on dealing with, specifically, police officers or Government officials maliciously-

THE DEPUTY CHAIRPERSON: So, how many years are you proposing?

MR ENOS ASIIMWE: Actually, when in the Philippines, it is a death sentence- (*Interjection*) - if you read their law, you can check.

THE DEPUTY CHAIRPERSON: No, honourable, be fair. Listen honourable, we have been proceeding, you do not bring something out of nowhere, which does not fit within the range.

THE DEPUTY CHAIRPERSON: Okay. I suggest 15 years.

THE DEPUTY CHAIRPERSON: 15 years? But colleagues, you are proposing as if you are talking to each other.

MR OTIMGIW: I would actually propose up to 10 years. I think 15 would be a bit more.

THE DEPUTY CHAIRPERSON: Okay, I put the question - what about the currency points, because you are now looking at the penalty. Honourable minister.

GEN. MUHOOZI: I understand the concerns of Members, but I would not want to tie the hands of policemen to make them timid, even when they mean well, and there is a thin line between malice and unreasonable cause. So, I think five years would be okay.

THE DEPUTY CHAIRPERSON: No, no, but honourable minister, it means that the

police officer is a dealer. Otherwise, where did he get it from? He is also a dealer.

So, if we are putting obligations on citizens, even the ones who are enforcing the law must have serious obligations to them. Otherwise, the drugs are easily used - and once they frame you as a drug dealer, your reputation in society is destroyed.

Honourable colleagues, I put the question that clause 18 be amended as proposed.

(Question put and agreed to.)

Clause 18, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Colleagues, we are going up to 7.00 p.m.

Clause 19

MR KAJWENGYE: Thank you, Mr Chairperson. Penalty against a police officer.

Clause 19 is amended by deleting paragraph B.

Justification

- i. A drug addict has a right to life and liberty, and, therefore, being provided with custody or accommodation is part of life.
- ii. The provision is ambiguous and imposes enforcement challenges since it prohibits the giving of custody to a drug addict or another person who is charged with an offence under the Act, yet it is the role of the police to arrest and give custody to the persons.

New clause

Insert a new clause immediately after clause 19

THE DEPUTY CHAIRPERSON: No, finish presenting the position of the committee, then the Attorney-General will come in if he has - because I am reading from the report and he is not reading anything outside the report.

MR KAJWENGYE: Insert a new clause immediately after clause 19. It is a penalty for conspiracy in inciting, aiding or abetting -

THE DEPUTY CHAIRPERSON: Let us first finish 19, then the new clause will come later.

MR KIRYOWA KIWANUKA: Mr Chairperson, we do not agree that a police officer has a duty and an obligation to give custody to any person who is charged with an offence under this Act.

We do not agree that a police officer has a duty to give a drug addict custody. In fact, the police officer has a duty to ensure that a person who is charged with an offence under this Act is presented to the police and a person who is a drug addict is presented for rehabilitation.

So, if the police officer is the one harbouring the person, then we do not agree with the committee. We propose that this clause remains in the Bill. I beg to submit.

THE DEPUTY CHAIRPERSON: Meaning the drug addicts are going to start suing police officers for not accommodating them?

MR NIWAGABA: I agree with the Attorney-General. The clause refers to a police officer or a person who may be a drug addict and has been charged for an offence under this Act. Instead of being treated as the law requires, the police officer decides to hide him or her in a hotel or lodge. That is what the law is trying to prohibit. He has a duty to make sure that this person who is charged under the Act is either in a prison or on remand somewhere, but not in a leisure place.

MR ENOS ASIMWE: Thank you, Mr Chairperson. I wouldn't want us to restrict ourselves to only police officers. We also have Government officers including ministers. We should be more broad and include Government officials -

THE DEPUTY CHAIRPERSON: No, we are talking about obligation of enforcement under the law. So, a Cabinet minister and -

MR ENOS ASIIMWE: Wait a minute -

THE DEPUTY CHAIRPERSON: I put the question that clause 19 stands as part of the Bill.

(Question put and agreed to.)

Clause 19, as amended, agree to.

THE DEPUTY CHAIRPERSON: We are here to make a law and not be general; picking everyone on the street and giving them obligations under the law. But we had a new clause, which the committee was proposing. If we maintain clause 19, do you still need to bring this new clause?

MR KAJWENGYE: Yes, the proposal for a new clause is penalty for conspiracy in citing, aiding or abetting to commit an offence.

A person who conspires with, incites, aids or abets another person to commit an offence under this Act commits an offence and is liable on conviction to imprisonment not exceeding 10 years.

The justification is to create an offence for any person who conspires with, incites, aids or abets another person to commit an offence under this Act. I submit.

THE DEPUTY CHAIRPERSON: Thank you.

MR NIWAGABA: Mr Chairperson, the Penal Code Act provides for offences of this nature; conspiracy, incitement and the like. We do not need a specific clause in this. We will use the penal code. That is my view.

MR KIRYOWA KIWANUKA: I entirely agree with the Shadow Attorney-General. I beg that this clause be dropped.

MR KAJWENGYE: Now that we know these offences are provided for in our statute books, I concede.

THE DEPUTY CHAIRPERSON: Thank you. I put the question that clause 20 stands as part of the Bill.

(Question put and agreed to.)

Clause 20, agreed to.

Clause 21

MR KAJWENGYE: Mr Chairperson, clause 21 is about forfeiture of conveyance implements. Clause 21 is amended –

a. by substituting for subclauses (1) and (2) the following:

1. “A court which convicts a person of an offence under this Act may, in addition to any other penalty prescribed under this Act, order the forfeiture to the State;

(a) any chemical, machinery, equipment, implement, pipe, utensil or other article used in the commission of the offence; or

(b) any conveyance used in the commission of the offence for carrying any narcotic drug or psychotropic substance or for carrying any chemical, machinery, equipment, implement, pipe, utensil, conveyance, or any other article which is used in the commission of an offence.

(b) by inserting immediately after subclause (1) the following:

“Notwithstanding subsection (1), the owner of a chemical, machinery, equipment, implement, pipe, utensil, conveyance or any other article which is used in the commission of an offence and was not involved in the commission of the offence, may apply to court for restoration of the chemical, machinery, equipment, implement, pipe, utensil, conveyance or any other article.

Justification

(i) For clarity and better drafting to merge subclauses (1) and (2) since they relate to the same subject matter;

- (ii) To require the forfeiture to be ordered by court in order to prevent abuse;
- (iii) For completeness, to allow the owner of a conveyance and other implements to apply for restoration of matters forfeited by the state. I submit.

GEN. MUHOOZI: I concur.

MR ODUR: I need clarification on forfeiture if the machinery or the conveyance is used. I would like to add the word “exclusively” for commission of the crime.

Mr Chairperson, if I am part of a passenger vehicle or an aircraft transporting passengers, but someone else uses it tactfully to convey the drug, would you be justified to say that the whole conveyance or the equipment is part of it?

MR KIRYOWA KIWANUKA: Mr Chairperson, it will be impossible to find any item, which is exclusively used for the purpose of commission of a crime such as this one. You will find people transporting their cargo normally, but they know they are also transporting drugs.

Therefore, it is very difficult to find a car, which is used exclusively for the purpose of commission of drug trafficking. If you say “exclusively”, we may find ourselves in a position of impossibility to ever find any vessel for that purpose.

MR ODUR: I have watched documentaries where drugs pass through - even here in Entebbe and discovered in Dubai or another airport and the people sat in a certain airline. Will you detain – That is my point. I do not know if I am clear enough?

MR KIRYOWA KIWANUKA: I think the committee has taken away the authority of a state to just take and has included court, where court gives the opportunity for the owner of that vessel to give an explanation such as yours. The judge will then decide whether or not, it is a convincing explanation. If the judge is not

convinced, he or she can order seizure. What the committee has done is that it has created the avenues to address such challenges.

THE DEPUTY CHAIRPERSON: I put the question that clause 21 be amended as proposed.

(Question put and agreed to.)

Clause 21, as amended, agreed to.

Clause 22, agreed to.

Clause 23

MR KAJWENGYE: Mr Chairperson, clause 23 concerns application for a restraint order. It is amended –

- (a) by substituting for subclause (1) the following:

“where there are reasonable grounds to believe that any person has committed a specified offence and after investigations have commenced in relation to the offence, the Attorney-General may apply to the court for an offence restraint order, in respect of any of the property which the Attorney-General believes are proceeds of crime.”

- ii) In subclause (2) by substituting for the word “deposing”, the word “deponing”.

- iii) In subclause (3), by substituting for paragraphs (a) and (b), the following:

- a) After the investigation in subsection (1) is concluded and it is determined that no specified offence was committed by the person against whom a restraint order is sought;

- b) Where, after the investigation in subsection (1), the person against whom a restraint order is sought is charged with a specified offence and a final decision for conviction is given in respect of the commission of that offence by the court.

The justification for this is:

1. To restrict the restraint order to only those properties that can be proved to be proceeds of crime.
2. For clarity, to ensure that the restraint order is not granted where a person is not charged with an offence or the person, if so charged with an offence, the court finds the person not guilty.

I submit.

MR NANDALA-MAFABI: Thank you very much, Mr Chairperson. I want the chairperson to help me understand the issue of property. If somebody got, say, US\$ 2 million from the proceeds and I know from some of it, he has bought shares and for some, he has not bought, how will you assume that the only property he has is the one from proceeds of the sale? Suppose he used it to pay a loan to cover one of the assets which he had got?

THE DEPUTY CHAIRPERSON: Attorney-General, before you come in, allow the Chief Opposition Whip.

MR NAMBESHE: This is supplementary to what Hon. Nandala-Mafabi is raising. If this particular restraint order is restricted only to properties that are acquired from money from illicit drugs, how do you determine this and through which criteria?

What kind of magic will you employ to know that these are properties that are acquired illegally because there may be those that were acquired through legal means? Don't you think this can easily be abused? How would you determine that these are properties acquired through illicit drugs?

MR OTIMGIW: Thank you, Mr Chairperson. Further to that, I concur with what Hon. Nandala-Mafabi said. Also, we do not actually know exactly when these people started the business of dealing in psychotropic drugs. Therefore, it may present some challenges in knowing when they started doing the business

and which properties were acquired within that period of time.

THE DEPUTY CHAIRPERSON: Thank you. Attorney-General? Let Dr Ayume go first.

DR AYUME: Thank you. Mr Chairperson, investigating cartels of drug lords and people involved in drug crime is a very slow, tedious and meticulous process. It is cross-cutting and involves tracking of accounts and looking at the history. You do not just wake up one day and pin somebody for illicit wealth or illicit drug use. So, there is going to be a lot of cross-cutting involvement, including the Financial Intelligence Authority and so forth.

In my opinion, I think let us give the law the benefit of doubt to track. It is like investigating corruption. How do you say that this property is from corruption and this is from - Thank you.

THE DEPUTY CHAIRPERSON: The Members are concerned about misuse or abuse of such a role. You find I am targeted and, therefore, you say, "No". Without going on record, you have heard some Members have taken money to be kept somewhere because they might grab it. *(Laughter)* I think they managed to defeat you on that; you never grabbed it.

MR KIRYOWA KIWANUKA: Like the honourable chairperson said, proceeds of crime are very difficult to trace. However, this clause, as it is, is actually couched in such a manner to avoid abuse. We are saying that you can only restrain property, which you prove is actually a proceed of crime.

If you remove that then what Hon. Nandala-Mafabi is proposing would mean that if a person accuses anyone of having participated in this kind of crime, then they can even take property, which was not the subject of the proceeds of crime. So, what we are saying here is that the burden is on the State, before it attempts to attach anyone's property, to prove that it is actually from the proceeds of crime.

Like Hon. Ayume said, it is a process that we are now engaging in very heavily under the Financial Intelligence Authority and anti-money laundering. There are processes now that are being developed to try and trace this money and follow the money of crime.

However, the clause, as it is, is actually protecting members against abuse.

THE DEPUTY CHAIRPERSON: Colleagues, if the burden is on the State and it is the court to determine, I think we must give our Judiciary a chance.

MR NIWAGABA: I really agree with the amendment especially, because the original framing of the clause was hanging; it had not connected the property to the proceeds of crime. However, with this particular amendment, it is okay and I support it. I invite my people on this side to agree with me.

THE DEPUTY CHAIRPERSON: I put the question –

MR ODUR: Mr Chairperson, thank you. I had an issue with these *ex parte* procedures and I want the Attorney-General to convince us because we are dealing with property and property rights. Why would you want to proceed *ex parte* and yet the person - I know it is provided for, but there should be some good justification.

MR KIRYOWAKIWANUKA: The Attorney-General could proceed *ex parte*, but the court can order the person. It is being proposed to proceed *ex parte* because normally when you get to this point, the person who is the subject of this offence could vanish and take benefit of the assets in order to move them from one jurisdiction to another. If you require them to come back and appear in court before you can get the order restraining the movement of that asset -

For example, if it is cash in the bank and you say, “First find the alleged drug trafficker and bring him to court”, by the time we are done

with the process, all the money would be gone. So, that is the reason. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. I now put the question that clause 23 be amended, as proposed.

(Question put and agreed to.)

Clause 23, as amended, agreed to.

THE DEPUTY CHAIRPERSON: Colleagues, I had said we would stop at 7.00 p.m. but can't we reach clause 25 - just two clauses? Let us reach clause 25. The traffic is building up so – *(Laughter)*- I know we are getting tired, but I do not want us to handle this slowly. Let us stop at clause 25.

Clause 24

MR KAJWENGYE: Mr Chairperson, clause 24 is about transfer after notice of application for a restraint order.

The committee proposes that clause 24 be amended in subclause (2) by substituting for the words, “informs the court of an intention to appeal against the dismissal”, the words, “files a notice of appeal”.

The justification is that an appeal originates with a notice of appeal, not the mere expression of an intention to appeal.

MR KIWANUKA KIRYOWA: No objection, Mr Chairman.

THE DEPUTY CHAIRPERSON: I put the question that clause 24 be amended as proposed.

(Question put and agreed to.)

Clause 24, as amended, agreed to.

Clause 25: Statement of assets and examination of respondents

MR KAJWENGYE: The committee proposes that we delete clause 25

Justification

- (i) Clause 25 contravenes clause 23 since in clause 23, the Attorney-General must be possessed with information relating to the property sought to be included in a restraint order before an application is made.
- (ii) This provision will, therefore, have the effect of reversing that duty by imposing an obligation on a person against whom a restraint order is made to prove that his or her property is not obtained from proceeds of crime before he or she is charged or convicted of an offence. This provision will allow a person to be put to his or her defence, yet he or she has not yet been convicted of an offence.
- (iii) Clause 25 will allow the confiscation of a person’s property without that person having committed an offence.

THE DEPUTY SPEAKER: In short, this clause was allowing the Attorney-General to speculate, yet you must first prove.

Attorney-General?

MR KIWANUKA KIRYOWA: Mr Chairperson, we are proposing that this clause be left because it is giving the discretion to the court. This is for the court. It reads:

25(1) “The court may, before or after an order is made...” So, what the committee is saying is that the court cannot ask and the court must rely only on what the Attorney-General says. So, if the Attorney-General comes and says this property belongs to person “X”, the court cannot ask. This provision is saying that the court may direct the respondent to submit, within a specified time, a statement of his or her assets and liabilities.

The Attorney-General has gone to court and told the court, “I want to attach all these assets belonging to so and so”, but the court looks at it and says, “maybe I should hear from the other person first”. What this provision is saying is to take away the discretion of the court. This has

nothing to do with what the Attorney-General can do. It has everything to do with the court’s discretion to exercise the discretion within its courtroom in order to find evidence sufficient to make a just cause. I beg to submit.

THE DEPUTY CHAIRPERSON: Thank you. Now, honourable colleagues, the Attorney-General is saying that if we delete, then, we are limiting the powers of the court, yet we look at it as independent and that is where we go for justice. Therefore, he is saying we should leave the court to play its role.

MR NANADALA-MAFABI: Mr Chairperson, it is saying, “direct the respondent to submit, within a specified time, a statement of his or her assets and liabilities”. If he is a businessman and he has submitted his returns to URA or URSB – I am just giving an example. If the court comes and says “submit your assets and liabilities”, do you want to do the taxation or what? This should not be the job of the court. The Attorney-General should be coming and saying: “I have discovered this man has assets. He did X, Y and Z. I have got a restraining order.”

For one to produce his accounts, again, you would be imposing a judge on a person who is saying “I am innocent until proven guilty”.

THE DEPUTY SPEAKER: But here, it is “the court may”. You cannot say “will”. Hon. Niwagaba?

MR NIWAGABA: Mr Chairperson, my biggest worry with this clause is that we are trying to criminalise what would ordinarily be a civil matter. This is because we are now looking at proceeds of crime – after the court has maybe failed to get from the Attorney-General the proper evidence, then it says, “you, respondent, bring your assets and liabilities”, yet this particular clause is not even tied to the assets and liabilities related to proceeds of crime.

Yes, the court has wide powers, but we may also have to balance the rights of citizens who may be flimsily brought to the court and the Attorney-General has no record of properties

and they want to know Hon. Kajwengye's properties even when they are not connected to proceeds of crime. I am very uncomfortable with this particular clause.

THE DEPUTY CHAIRPERSON: Attorney-General, I just want to ask so that I am able to guide the House well. If we deleted this clause, can't court, under its general authority, still order this?

MR NIWAGABA: It can still do so.

THE DEPUTY CHAIRPERSON: If it still can, then why – I put the question that clause 25 be deleted as proposed.

(Question put and agreed to.)

Clause 25, deleted.

THE DEPUTY CHAIRPERSON: Honourable colleagues, I think we have done up to clause 25. We have done a good job.

MOTION FOR THE HOUSE TO RESUME

7.07

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Chairperson, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE DEPUTY CHAIRPERSON: I put the question that the House do resume and the Committee of the whole House reports thereto.

(Question put and agreed to.)

(The House resumed, the Deputy Speaker presiding.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

7.08

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, I beg to report that the Committee of the whole House has considered

the Bill entitled, "The Narcotic Drugs and Psychotropic Substances (Control) Bill, 2023" and passed clauses 13, 16, 19, 20 and 22; passed, with amendments, clauses 1,3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 21, 23 and 24; deleted clause 25; and stood over clauses 2 and 6.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

7.09

THE MINISTER OF STATE FOR INTERNAL AFFAIRS (Gen. David Muhoozi): Mr Speaker, I beg to move that the report of the Committee of the whole House be adopted.

THE DEPUTY SPEAKER: I put the question that the report of the committee of the whole House be adopted.

(Question put and agreed to.)

Report, adopted.

THE DEPUTY SPEAKER: Honourable colleagues, I thank you for the spirit of working together. This is a good law. I am sorry that we shall move slowly and make a good law. I do not want us to rush in any way. I want to take your views so that at least they go on record, even when you do not agree with your colleagues. This is a very critical Bill.

Tomorrow, we shall ensure that, indeed, we push. I can see we still have around 30 to 35 clauses to handle. So, we shall move and finish all of them. If we do not, we shall push it up to Tuesday, but ensure that we give ample time in regard to this Bill.

House is adjourned to tomorrow at 2 o'clock.

(The House rose at 7.10 p.m. and adjourned until Thursday, 17 August 2023 at 2.00 p.m.)

