

A BILL
FOR
**A LAW TO PROHIBIT THE PRODUCTION,
SALE AND CONSUMPTION OF ILLICIT
DRINKS AND BANNED SUBSTANCES AND
THE ESTABLISHMENT OF COGNITIVE
BEHAVIOUR THERAPEUTIC CENTERS IN
PLATEAU STATE AND FOR MATTERS
RELATED 2024.**

SPONSOR:

HON. KWARPO MATHEW SYLVANUS

MEMBER REPRESENTING MANGU SOUTH STATE CONSTITUENCY

CO-SPONSORS:

RT. HON. GABRIEL DEWAN

RT. HON. ISA MADAKI AJIJI

HON. DANIEL NANBOL LISTICK

HON. KALAMU IDRIS

HON. GALADIMA ADAMU

HON. DICKSON CHOLLOM

HON. DENTY LAVEN

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

1. Citation and Commencement
2. Interpretation

PART II

OFFENCES AND PENAL PROVISIONS

3. Prohibition
4. Sanctions
5. Unlawful Occupier of premises
6. Conspiracy and shielding of offenders
7. Offences by Bodies Corporate
8. Incriminated informer not to incur penalty
9. Content of Movies and Theatrical performances
10. Unspecified Penalty

PART III

ENFORCEMENT

11. Monitoring Task Force
12. Powers and Duties of the Task Force
13. Seizure of Property

PART IV

LEGAL PROCEEDINGS

14. Jurisdiction
15. Prosecution
16. Property and items liable to forfeiture
17. Summary Trials

PART V

ESTABLISHMENT OF A COGNITIVE BEHAVIOUR THERAPEUTIC CENTER

18. Establishment of a Therapeutic Center
19. Functions of the Center
20. Powers

21. Appointment and Membership of the Committee
22. Functions of the Committee
23. Tenure

PART VI
FUNDS OF THE CENTER

24. Funds of the Center
25. Expenditure
26. Bank Accounts
27. Annual Report
28. Power to Borrow

PART VII
MISCELLANEOUS

29. Power to regulate in Local Government Areas
30. Sensitization Programmes
31. Admission into the Center
32. Obstruction of officers of the Task Force
33. Erring Staff of the Center
34. Repeal

A BILL
FOR
**A LAW TO PROHIBIT THE PRODUCTION, SALE AND
CONSUMPTION OF ILLICIT DRINKS AND BANNED
SUBSTANCES AND THE ESTABLISHMENT OF
COGNITIVE BEHAVIOUR THERAPEUTIC CENTERS IN
PLATEAU STATE AND FOR MATTERS RELATED 2024.**

ENACTED by the Plateau State House of Assembly as follows:

PART I

PRELIMINARY

- Citation and Commencement** 1 This Bill may be cited as the Plateau State Banned Substances Bill, 2024 and shall come into operation on theday of..... 2024.
- Interpretation** 2 In this Bill:
“Attorney – General” means the Attorney – General of Plateau State and Commissioner for Justice.
“Auditor – General” means the Auditor – General of the State;
“Banned Substances” mean any contraband item in solid, liquid, and gaseous form, prohibited under the NDLEA Act, NAFDAC Act and State Penal Code;
“Center” means Plateau State Cognitive Behaviour Therapeutic Center;
“Chairman” means Chairman of Illicit Drinks and Banned Substances Supervisory Committee;
“Commissioner” means the Commissioner for Health, Plateau State;

“Committee” means the Plateau State Illicit Drinks and banned substances Supervisory Committee;

“Court” means the Plateau State High Court of Justice and any Court of Concurrent jurisdiction so empowered by an Act of the National Assembly having powers to try offences in this Bill;

“CPC” means Consumer Protection Council;

“Goskolo” means any drink distilled or not which is injurious to health and includes Methanol, ‘Ogogoro’, ‘Sapele water’ and similar substances in whatever name or description so called;

“Governor” means the Executive Governor of Plateau State;

“House of Assembly” means the Plateau State House of Assembly

“Illicit Drink” means any liquid which if being used as beverage may have an intoxicating, deranging, and injurious effect;

“Local Governments” means the Seventeen Local Government Areas of Plateau State;

“Member” means Member of Plateau State Illicit drinks and Banned Substances Supervisory Committee;

“Ministry” means Plateau State Ministry of Health;

“NAFDAC” means National Agency for Food and Drug Administration and Control;

“NDLEA” means National Drug Law Enforcement Agency;

“NGO” means Non Governmental Organizations;

“Officer” means personnel of the Monitoring Task Force on Illicit Drinks and Banned Substances;

“Police” means the Nigeria Police;

“SON” means Standards Organization of Nigeria;

“State” means Plateau State of Nigeria;

“Task Force” means Plateau State Monitoring Task Force on Illicit Drinks and Banned Substances;

“Vehicle” means carriages, wagons, carts, motor vehicles, motorcycles, tricycles, vans, lorries, trailers, hand carts, sledges, trucks, barrows, and all other machines for the carriage of goods or persons.

PART II

OFFENCES AND PENAL PROVISIONS

Prohibition 3.

Pursuant to sections 152 – 160 of the State Penal Code and other relevant legislation on National Health Regulations and standards, the production, sale and consumption of illicit drinks and banned substances by whatever name or description called in the State is hereby prohibited.

Sanctions 4. (1.) Any person who without lawful authority:

- (a) manufactures, produces, distils, brews the illicit drink known as Goskolo or similar branded drinks or banned substances by whatever name or description so called shall be guilty of an offence and be liable on conviction to one year imprisonment or to a fine of Three Hundred Thousand Naira or both;
- (b) processes, inhales or consumes paw-paw leaves or any plant in any manner other than for food or medicinal purposes or as may be regulated under the NAFDAC Act shall be guilty of an offence and liable on conviction to two years imprisonment or to a fine of One Hundred Thousand Naira or both;
- (c) procures, plants, preserves, process any seed knowing that procuring, planting, preserving and processing such seed amount to illicit cultivation and will be used for production or manufacturing of banned substances contrary to the provisions of Section 20(1) (b) of the

- NDLEA Act shall be guilty of an offence and liable on conviction to imprisonment for life;
- (d) knowingly possess or consumes "Goskolo" or similar branded drinks by whatever name or description so called shall be guilty of an offence and be liable on conviction to Six months imprisonment or to a fine of Fifteen Thousand Naira or both;
- (e) sells, buys, stores, displays or offers for sale or otherwise deals in or with illicit drinks or any medically deranging substances in liquid, solid and gaseous form contrary to the provisions of NAFDAC Act and NDLEA Act shall be guilty of an offence and liable on conviction to six months imprisonment or to a fine of One Hundred Thousand Naira or both;
- (f) engages in the acquisition, possession or use of property knowing at the time of acquisition, possession or use that such property was derived from any offence referred to in this clause shall be guilty of an offence and on conviction be liable to forfeiture;
- (g) transports or conveys or moves or distributes any product which constitutes an offence in this Bill knowing at the time of transporting, conveying, moving or distributing same that such product constitutes an offence shall be guilty and on conviction be liable to five years imprisonment;
- (a) engages in the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to or ownership of property knowing that such property is derived from any offence referred to in this clause shall be guilty of an offence and on conviction be liable to imprisonment for fifteen years; and
- (i) engages in the management, organization, promotion or financing of any of the offences under paragraphs (a) – (h) of this clause shall be guilty of an offence and on conviction be liable to a fine of Fifty Thousand Naira.

(2) Where a vehicle transporting illicit drinks or any banned substance mentioned in sub Clause (1) of this clause exceeds Two Hundred and Fifty tones, the vehicle shall be impounded and released only upon paying a fine of One Million Naira.

**Unlawful 5 (1)
occupier of premises** Any person, who being the occupier or is concerned with the management of any premises, unlawfully permits or causes the premises to be utilized for the purpose of distilling, storing, concealing, processing or dealing in the drink known as "Goskolo" and any illicit cultivated plant or seed or banned substances shall be guilty of an offence and shall on conviction be liable to five years imprisonment or to a fine not exceeding Three Hundred Thousand Naira or both.

(2) Any person found in possession of any distilling apparatus in any part of the State to which he cannot satisfactorily account for its lawful possession or for a purpose unconnected with the production of "Goskolo" and other banned substances or that at about the time of the alleged offence, the use of such apparatus is disproportionate with the claim of a lawful usage, shall be guilty of an offence and liable on conviction to imprisonment or a fine of Two Hundred Thousand Naira or both.

**Conspiracy 6 (1)
And Shielding of
Offenders** Any person who:

- (a) incites, promises or induces any other person by any means whatsoever to commit any of the offences referred to in this Bill;
- (b) conspires with, aids, abets, counsels, attempt to commit or is an accessory to any act or offence referred to in this Bill;
- (c) Shields, protects, harbours minors or any person in their parental custody or guardianship on committing any of

the offences in this Bill, shall be guilty of an offence and be liable on conviction to a fine of Fifty Thousand Naira.

- (2) Notwithstanding the provisions of sub clause (1) of this clause, the court before whom a minor is being arraigned for any offence in this Bill, may, in peculiar circumstances, make an Order for:
- (a) an alternative punishment; or
 - (b) either the treatment, rehabilitation, aftercare, education, and social integration of the offender or both.

**Offences by 7(1)
Bodies Corporate**

Where an offence is committed by a body corporate in this bill on the instigation, or connivance of, or negligence attributed to its Director, Manager, Secretary or administrative officer, the body corporate, shall be guilty of the said offence and be liable to be proceeded against and sanctioned under sub clause (2) of this clause.

- (2) Where a body corporate is convicted of an offence under sub clause (1) of this Clause, the Court may order that the body corporate shall there upon and without any further assurance, but for such Order, be wound up and all its assets and properties forfeited to the State Government.

**Incriminated 8.
informer
Not to incur
Penalty**

Where any person provides information which leads to the conviction of any other person for an offence under this Bill, same shall not incur any penalty notwithstanding that he may himself be incriminated in such offence or offences:

Provided that the offender is convicted of an offence of not less gravity than in respect of which the informant is incriminated.

**Content of 9.
Movies and Theatrical** Movies, theatrical performances and other entertainment content which promote violence and glamorize the

performances	patronage of illicit drinks and other harmful substances shall be sanctioned by their regulating bodies and offenders shall be guilty of an offence and liable on conviction to a fine of Five Hundred Thousand Naira and suspension of license.
Unspecified Penalty	10. Where no penalty has been specified for any offence committed in this Bill the person shall be liable to a fine of Fifty Thousand Naira or imprisonment for a term of one year or both.
	PART III
	ENFORCEMENT
Monitoring Task Force	<p>11. (1) There is established for the State a Task Force to be known as Plateau State Monitoring Task Force on Illicit Drinks and Banned Substances which shall be under the supervision of the State Commissioner of Health.</p> <p>(2) Members of the Task Force may comprise of representatives from the following organizations:</p> <ul style="list-style-type: none"> (a) the Nigeria Police; (b) Nigerian Security and Civil Defence Corps; (c) National Drug Law Enforcement Agency; (d) Nigerian Correctional Service; (e) National Agency for Food and Drug Administration and Control; (f) Consumer Protection Council; (g) Standards Organization of Nigeria. <p>(3) A volunteer Corps shall be constituted by the Commissioner to complement operation of agencies of Government mentioned in sub clause 2 of this clause.</p>
Powers and Duties of the Task Force	(1) The Task Force shall, subject to the directive of the Commissioner:

- (a) receive information from the public on identifying retail outlets and treat same with confidentiality;
 - (b) receive complaints from the public on injury, damage or loss caused by a company, firm, association or individual;
 - (c) set up a patrol and enforcement team to search, seize and confiscate prohibited substances in this Bill; and
 - (d) arrest any person who he has reason to believe has been used in the Commission of an offence in this Bill.
- (2) A Member of the Task Force may in the cause of enforcing any provision of this Bill:
- (a) present his official identity and designation;
 - (b) enter (if need be by force) and search any land, building, vehicle, container or any other instrumentalities whatsoever which he has reason to believe is connected with the commission of an offence in this Bill.
 - (c) take and examine samples of any substances relating to the Commission of an offence in this Bill which are found on the land, building, vehicle, container or any other instrumentalities whatsoever searched pursuant to paragraph (b) of this clause.
 - (d) examine any article in the premises which appears to him to be an item or substance to which this Bill or its regulations apply or anything in the premises which he reasonably believes is used or is capable of being used for the manufacture, preparation, preservation, packing, storage or sale of any such item or substance.

- Seizure of 13 (1) Property**
- Any property, item or substance subject to forfeiture under this Bill may be seized by the Monitoring Task Force under the following circumstances:
- (a) if the seizure is incidental to an arrest or search; and
 - (b) in the case of property liable to forfeiture upon process issued by the Court.
- (2) Whenever property is seized under any of the provisions of this Bill, the Task Force may:
- (a) place the property under seal

- (b) remove the property and deposit same with the Police and shall be returned to the owner or to the person from whom it was seized if the article upon analysis or examination is found not to offend the provisions of this Bill.
- (3) The property sealed and removed shall if found to offend the provisions of this Bill, be destroyed by an order of Court.

PART IV

LEGAL PROCEEDINGS

- Jurisdiction 14** (1) The court and other courts of concurrent jurisdiction shall have powers to try offences under this Bill
(2) The Court shall repose and exercise its powers to impose penalties provided for in this Bill
- Prosecution 15** (1) In the prosecution of offences under this Bill, the State shall be the Complainant and the proceeding may be instituted by the Commissioner of Police or a Law Officer in the office of the Attorney – General of the State.
(2) No warrant is necessary for the arrest of any person who commits an offence under this Bill
(3) A warrant may be necessary for conducting a search on any property or premises which is connected with the commission of an offence under this Bill.
(4) Where a person is being prosecuted under this Bill in his capacity as either the manufacturer, producer, processor, consumer, cultivator, seller, buyer, promoter, promissory, abettor, counselor, habourer, conveyer, distributor, retailer, keeper or both and in any other capacity mentioned in this Bill, the burden of proving that he is not the person or does not possess any of the aforesaid capacities shall rest on him.

- (5) No Officer authorized by the authority mentioned in sub clause 1 of this clause shall be liable for any act done or omitted to be done by him in good faith and in the execution of his duties under this Bill.
- Property and Items liable to forfeiture**
- 16.** The following property or items may be forfeited on the Order of Court:
- (a) illicit drinks popularly known as "Goskolo" or similar branded drinks and banned substances by whatever name or description so called;
 - (b) any receptacle and package containing illicit drinks and Banned substances mentioned in paragraph (a) above;
 - (c) any vehicle, or other medium of transport used in conveying any of the items mentioned in paragraph (a) of this clause from which they are thrown overboard to prevent seizure;
 - (d) any distilling apparatus used in the production and testing of "Goskolo" and similar branded drinks or substances; and
 - (e) any factory, warehouse or store established for the production, distillation and storage of "Goskolo", and similar branded drinks or banned substances.
- Summary trials**
- 17.** All offences under this Bill, may be tried summarily and all penalties and forfeitures authorized by this Bill, may be imposed upon summary conviction

PART V

ESTABLISHMENT OF A COGNITIVE BEHAVIOUR THERAPEUTIC CENTER

- Establishment**
- 18 (1)** There is hereby established a free rehabilitation centre in the State known as Plateau State Cognitive Behaviour Therapeutic Centre also known as the Center for the Admission, Rehabilitation, Restoration,

Integration and Reengagement of Lunatics and addicts of excessive and unhealthy consumption of illicit drinks and other banned substances.

(2) The Center:

- (a) shall be funded by the State Government;
- (b) may acquire, hold and dispose off any property or interest in property, moveable or immovable for the purpose of carrying out its functions in this Bill;
- (c) be under the control and management of the Plateau State Commissioner of Health;
- (d) shall have Area officers in the three (3) Senatorial Zones of the State; and
- (e) shall have such power and duties as are conferred on it by this Bill or by any other enactment.

Functions of the Center 19. The Center shall:

- (a) register and maintain a data bank of cases handled by it;
- (b) initiate and organize workshops, seminars, Training programmes and undertake publications with regard to any findings or discoveries from cases treated;
- (c) collaborate with various rehabilitation centers in the State especially Faith based centers in counterpart funding and exchange of ideas;
- (d) collaborate with Community Leaders, Traditional Councils, NGOs, Teaching Institutions and Faith based organizations in the fight against illicit drinks and banned substances;
- (e) organize and undertake campaigns and other forms of activities which will lead to increased public awareness on signs, symptoms and effects of consuming banned substances;
- (f) seek ways and means of removing or eliminating from the market illicit drinks and banned substances and cause such sellers to replace such products;
- (g) create rehabilitation curriculum to inculcate vocational skills;

- (h) publicize its services by informing and sensitizing the public to explore its care giving facilities; and
- (i) perform such other functions as may be assigned by the Commissioner in this Bill.

Powers 20.

In the discharge of its functions under this Bill, the Center may:

- (a) establish additional rehabilitation Centers in areas of critical need in each of the three (3) Senatorial Zones of the State;
- (b) establish early warning drug centers across the State
- (c) seek collaboration with relevant government agencies or other professional bodies in establishing laboratories or in joint use of testing facilities, common procedures or in ensuring or enforcing standards of consumer goods or in assessing the quantum of loss or damage; and
- (d) exercise such other powers as may be conferred on it by the Commissioner.

Appointment and Membership of the Committee 21.

- (1) There is established a body known as Illicit drinks and Banned Substances Supervisory Committee referred to in this Bill as "the Committee" which shall be constituted by the Commissioner and shall have functions assigned to it in this Bill.
- (2) The Chairman of the Committee shall be appointed by the Governor upon the recommendation of the Commissioner.
- (3) The appointment under sub-clause (1) of this clause shall be subject to the confirmation of the House of Assembly.

Functions of the 22. Committee

The Committee shall perform the following functions:

- (a) sensitize the general public on the dangers of consuming illicit drinks and banned substances;
- (b) sensitize the general public on early signs and symptoms of addiction and eventual lunacy;
- (c) visitation and inspection of Rehabilitation centers in the state;
- (d) receive complaints on any of the following:
 - i. officers of the Task Force established in this Bill;
 - ii. staff of the Rehabilitation Centers
 - iii. inmates of the rehabilitation Centers; and
- (e) submit an annual report to the Commissioner on the inspection of the centers.

Tenure 23. The Chairman and Members of the Committee may serve for a duration of two (2) years from the date of appointment and may be reappointed for another term of two (2) years.

PART VI

FUNDS OF THE CENTER

- Funds of the 24. be Center** The Funds of the Center shall include such sums as may provided for the center from:
a fund into which shall be paid and accredited:
- (b) such sums as may be provided for by the State and Federal Government;
 - (c) any loan granted to the Center by the State, any Local Government, person or institution with the approval of the Governor;
 - (d) such sums as may be paid to the Center by way of grants, subsidies, donations, gifts, fees, subscription, rent, interest and royalties;
 - (e) any sums derived from the sale of any property held by or on behalf of the Center;
 - (f) any property which may be donated to the Center;

- (g) donations from Local and International development partners, communities and individuals;
- (h) any other lawful source.

Expenditure **25.** The Center may from time to time, apply the proceeds of the fund established pursuant to clause 24 of this Bill for:

- (a) the payment of remuneration, allowances and other benefits of the Committee Members, Staff of the Center and State Monitoring Task Force;
- (b) cost of the administration of the Center;
- (c) the maintenance of any property vested in the Center;
- (d) and in connection with all or any functions of the Center under this Bill.

Bank Accounts 26

- (4) The Center shall operate such number of bank accounts as may be approved by the Commissioner and all monies of the Center shall be paid into any of such accounts.
- (5) No charge or other instrument for withdrawal of money from any such accounts shall be made unless it is approved by the Commissioner.

Annual Report 27 (1) The Center shall submit to the Governor, not later than 30th of July of each year a report of its activities during the immediately preceding year and shall include in such report the audited accounts of the center.

Power to borrow 28 The Center may, with the approval of the Commissioner borrow by way of loan or overdraft from any sources, monies required by the Center for meeting its obligations and discharging its functions under this Bill.

PART VII

MISCELLANEOUS

Power to regulate in 29. Local Government Areas Local Government may make regulations for the purpose of giving effect to the provisions of this Bill.

Sensitization 30. (1) Sensitization programmes on illicit drinks, drug abuse and other harmful substances may be extended by the Center to Schools, Institutions and Correction across the State.

- (2) The programmes mentioned in sub clause 1 of this clause may be included in teaching or training curriculum of the mentioned schools and institutions across the State.
- (3) where available, Guidance and Counselling Unit of Schools may be utilized as Secondary rehabilitation Centers and its curriculum be enlarged to accommodate the set objectives of this Bill.

Admission into 31. The Center (1) Any person found displaying a form of cognitive behavior which is attributed to the consumption of illicit drinks and other substances prohibited in this Bill shall be admitted into the Center.

- (2) Any person found exhibiting the behavior stated in sub clause 1 of this clause shall first be examined by a certified Medical Practitioner or a Psychiatrist of the Center or any health facility in the State.

Obstruction of 32. Officers of the Task Force (a) Any person who:
willfully obstructs any officer of the Task Force in the exercise of any of the powers conferred on the Task Force in this Bill or
(b) fails to comply with any lawful entry or requirements made by any authorized officer in accordance with the provisions of this Bill

shall be guilty of an offence under this Bill and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine of Twenty Thousand Naira or both.

**Erring Staff
of the Center** 33. Any Staff of the Center who engages in the unauthorized conveyance of unprescribed medication, illicit drinks and banned substances to inmates shall be prosecuted under corresponding penal provisions of the NDLEA Act.

Repeal 34. The provisions of the Liquor law to regulate the manufacture and sale of intoxicating liquor in the Law of Northern Nigeria (Cap 64) 1963 as it applies to Plateau State is hereby repealed.