



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**DRUG DEPENDANT PERSONS
(TREATMENT AND REHABILITATION)
ACT, No. 54 OF 2007**

[Certified on 13th November, 2007]

Printed on the Order of Government

Published as a Supplement to Part II of the **Gazette of the Democratic
Socialist Republic of Sri Lanka** of November 16, 2007

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA
TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 5

Price : Rs. 8.00

Postage : Rs. 5.00

*Drug Dependant Persons (Treatment and
Rehabilitation) Act, No. 54 of 2007*

[Certified on 13th November, 2007]

L.D.—O.61/2003.

AN ACT TO MAKE PROVISION FOR THE TREATMENT AND
REHABILITATION OF DRUG DEPENDANT PERSONS AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL
THERETO.

Be it enacted by the Parliament of the Democratic Socialist
Republic of Sri Lanka as follows :—

1. This Act may be cited as the Drug Dependant Persons (Treatment and Rehabilitation) Act, No. 54 of 2007 and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (hereinafter referred to as the “appointed date”).

Short title.

PART 1

TREATMENT CENTRES

2. For the purposes of this Act the Minister on the recommendation of the National Dangerous Drug Control Board (hereinafter referred to as “NDDCB”) may, by Order published in the *Gazette*, designate any place or building to be a Treatment and Rehabilitation Centre (hereinafter referred to as a “Treatment Centre”) for the care and rehabilitation of drug dependant persons.

Treatment
Centres.

3. (1) Any person may on his own behalf or on behalf of any body corporate or unincorporated apply to the NDDCB for a license to establish in the premises to be specified in the application, a private Treatment Centre for the care and rehabilitation of drug dependant persons.

Licensing of
private Treatment
Centres.

(2) If the NDDCB is satisfied that—

- (a) the premises are designed in such a manner so as to make it suitable for use as a Treatment Centre ;
- (b) the facilities available at such Centre are adequate for the carrying out of the objects of the Act ;

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- (c) the staff employed at such Centres possess the prescribed qualifications in order to ensure they are competent to discharge their functions under this Act ; and
- (d) the arrangements proposed for the management of the Centre are satisfactory,

it may grant the applicant a licence subject to any conditions, limitations or restrictions it considers necessary. Such conditions, limitations or restrictions shall be set out, in the licence.

Director of
Treatment
Centers.

4. (1) The Minister shall on the recommendation of the NDDCB appoint for the purposes of this Act, a person to be the Director of Treatment Centres (hereinafter referred to as “the Director”) to exercise and perform such powers and duties as are assigned to, or imposed on, the Director by this Act or any regulation made thereunder.

(2) For the purpose of ascertaining whether the provisions of this Act are being complied with, the Director or any person authorized to act on his behalf may enter any Treatment Centre designated or licensed under this Act at all reasonable times and make such examinations as he considers necessary thereon for that purpose. He may bring with him such assistants, as he considers necessary for such purpose.

(3) The Director shall submit periodic reports to the NDDCB which shall contain information regarding the work of the Treatment Centres in relation to the number of persons being treated at such Centres and the effectiveness of such Centres at providing treatment and rehabilitation facilities to drug dependant persons.

NDDCB to issue
directions.

5. The NDDCB may from time to time issue such general or special directions as are necessary to ensure the efficient management of Treatment Centres. It shall be the duty of such Centres to comply with such directives.

6. The services of any Medical Officer or any other officer or employee of the Department of Health or any University or any medical practitioner or any other competent person engaged in a similar service, may be used, subject to the approval of the Director-General of Health Service or other relevant authority as the case may be, to assist in the treatment and care of drug dependant persons at Treatment Centres designated or licensed under this Act. Regulations may be made specifying the terms and conditions on which such assistance shall be rendered.

Use of services
of Officers of
Department of
Health, etc.

7. (1) The Minister shall appoint Assessment Panels consisting of not more than ten persons from amongst persons who have gained eminence or experience in the fields of law or persons having experience or knowledge in the Fields of physiological or social problems connected with drug dependence.

Appointment of
Assessment
Panels.

(2) Assessment Panels consisting of not more than three person's shall be nominated by the NDDCB whenever it becomes necessary to —

- (a) assess persons seeking admission in terms of this Act, to Treatment Centres designated or licensed under this Act ; or
- (b) assess persons presently undergoing treatment for drug dependence, and to evaluate future rehabilitation programmes.

(3) The powers and functions of Assessment Panels shall be as specified by regulation.

8. (1) The Minister may on the recommendation of the NDDCB, nominate one or more fit and proper persons to be official visitors to any Treatment Centre designated or licensed under the provisions of this Act.

Appointment of
official visitors.

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(2) Every visitor so appointed shall unless he ceases to hold office earlier, serve in such capacity for a period of two years from the date of his appointment. Every such visitor may at all times enter any such Treatment Centre and to make such inquiries or examination therein as to him shall appear necessary. It shall be the duty of such visitors to visit such Treatment Centres from time to time and submit periodic reports to the NDDCB in accordance with such guidelines or regulations as may be issued in this regard.

PART II

VOLUNTARY ADMISSION TO A TREATMENT CENTRE

Voluntary
admissions.

9. (1) A person voluntarily seeking treatment for drug dependence may apply for admission to a Treatment Centre. In case of a minor, the parents or guardian may apply for admission on behalf of the minor. Admission of such a person to a Treatment Center shall be decided on a case-by-case basis subject to assessment by an Assessment Panel.

(2) Upon admission, such person may continue as an inmate of a Treatment Centre, until the Assessment Panel and the medical officer in charge of the Treatment Centre are of opinion that he may be discharged as he has successfully completed the course of treatment undertaken. Conditions for discharge shall be determined by the rules of each Treatment Centre.

PART III

COMPULSORY ADMISSION TO A TREATMENT CENTRE

Compulsory
admission to a
Treatment
Centre.

10. (1) Where an Officer-in-Charge of a Police Station receives information that any person is a habitual user of dangerous drugs and has since become a drug dependant person, he shall forthwith take such steps as may be necessary to cause such person to be examined by a Government Medical Officer. The Government Medical Officer shall thereupon submit a report to the police officer who

referred the drug dependant person to him or any other officer attached to the relevant Police Station, setting out the results of such examination. The report shall contain reasons for his observations that such person is or is not, a drug dependant person and details as to the extent of such person's drug dependency. Where the report is submitted to an officer who is not the Officer-in-Charge, such police officer shall report the fact of such information to the Officer-in-Charge of the Police Station.

(2) If according to the report of the Government Medical Officer the person examined by him is a drug dependant person, the Officer-in-Charge of the Police Station shall produce such person or cause such person to be produced, before a Magistrate who shall take action in accordance with the following provisions of this section.

(3) A Magistrate before whom a person produced upon the completion of the procedure set out in subsection (1) and (2), shall make Order that such person be sent for compulsory treatment and rehabilitation at any Treatment Centre designated or licensed under this Act, as may be determined by such Magistrate.

(4) Where a person is convicted and sentenced for any offence under the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 214) and the Court convicting such person is satisfied by evidence on oath led before such Court that such person is a drug dependant person, the Court may, commit the person so convicted to a Treatment Centre for such period of time as may be determined by Court taking in to consideration the degree of dependence of such person. Such period of time may be extended on application made by the Director of the Treatment Centre to which such person is committed. The circumstances on which the extension is requested should be sufficient in the opinion of the Court to necessitate such extension :

Provided however, the Court may consider the period of treatment as part of the sentence imposed.

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(5) Where a person is committed for treatment under subsection (4) the Commissioner of Prisons shall after consultation with the Director of the Treatment Centre take such steps as are necessary to transfer such person from the prison to the Centre to undergo treatment for such period as determined by Court.

(6) Any person admitted to a Treatment Centre under this section, shall from time to time be subject to assessment by an Assessment Panel appointed under section 7.

Release of
persons from
Centres.

11. (1) Any person admitted to a Treatment Centre under the preceding provisions of this Act may be released from such Centres on the recommendation of the Director of the Treatment Centre after consultation with the Assessment Panel and subject to any terms and conditions which may be imposed by the NDDCB.

(2) The Court may in the case of a person detained at a Treatment Centre by virtue of an Order of Court, make Order for the release of such person upon the recommendation, after consultation with the Assessment Panel, of the Director of the Treatment Centre to which a drug dependant person has been committed, being submitted to Court. The Order of Court may be subject to such conditions as the Court may, where necessary, specify.

PART IV

GENERAL

Closure of
Treatment
Centres.

12. The Minister may on the advice of the NDDCB by Order published in the *Gazette* close any Treatment Centre designated or licensed under the provisions of the Act if it appears that such Centre is mismanaged or that it has breached any requirement imposed by the Act or any directives issued thereunder.

13. (1) A medical practitioner who signs a medical certificate supporting any application or committal to be made under this Act or for any other purpose provided in this Act shall specify therein, the facts upon which he has formed his opinion that the person to whom the certificate relates is a drug dependant person. He shall also set out in detail the circumstances as perceived by him, and the facts communicated to him by others.

Medical
Practitioner to
specify basis of
opinion.

(2) No Order shall be made by a Magistrate under this Act upon a certificate which purports to be founded only upon facts communicated by others.

14. Any person who without authority introduces or attempts to introduce into any Treatment Centre, or supplies or attempts to supply any persons in a Treatment Centre with, a dangerous drug or any unauthorized article shall be guilty of an offence under this Act.

Supply of drugs
& c..

15. No action shall lie against any person for anything done or omitted to be done by him in the course of performing his duties in good faith under this Act or in carrying out any recommendations or Order given or purported to have been given to him in accordance with the provisions of this Act.

Indemnity.

16. (1) No person shall except with the permission of the presiding Judge, publish a report of any proceedings under this Act.

Proceedings not
to be published
without
permission and
confidentiality of
records.

(2) All records pertaining to a drug dependant person in the custody of a Treatment Centre shall be confidential and shall not be released except on an Order of Court, or in connection with an investigation in respect of the commission of a serious offence within the Centre.

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence under this Act.

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Striking persons
under treatment.

17. Any person employed in a Treatment Centre who without reasonable cause strikes, wounds, ill-treats or wilfully neglects any person receiving treatment therein shall be guilty of an offence under this Act.

Obstruction of
employees an
offence.

18. Any persons who obstructs or attempts to obstruct any person employed in a Treatment Centre in the performance of his duties under the Act, shall be guilty of an offence under this Act.

Apprehension of
persons
escaping.

19. (1) Where any person receiving treatment in a Treatment Centre designated or licensed under this Act escapes from the Centre he may be apprehended by any Police Officer or any officer appointed under this Act and returned to the Treatment Centre.

(2) It shall be the duty of any person employed in a Treatment Centre to preserve order and discipline among the persons detained in the Centre and for such purpose it shall be lawful for a such person to use all such means, including such degree of force, as may reasonably be necessary to compel obedience to any lawful directions given by him.

Penalty.

20. Any person who commits an offence falling under section 14, subsection (2) of section 16, section 17 and section 18 of this Act, shall after trial by a Magistrate be punished with a fine not exceeding rupees five thousand or imprisonment of either description for a period not exceeding eighteen months, or to both.

Regulations.

21. (1) The Minister may make regulations for the purpose of carrying out and giving effect to a principles and provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations—

- (a) setting out the procedure for the issue of licenses under this Act;

- (b) the requirements which Treatment Centres licensed or designated in terms of this Act should conform;
- (c) the records to be maintained at such Treatment Centres;
- (d) any other matter which is required to give effect to the objectives of this Act.

(3) Every regulation made by, the Minister shall be published in the *Gazette* and shall come into operation on the date of publication or on such later date as may be specified in the regulation.

(4) Every regulation made by, the Minister shall as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation is so disapproved shall be published in the *Gazette*.

22. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

23. In this Act, unless the context otherwise requires—

Interpretation.

“dangerous drug” means any drug falling within the Third Schedule to the Poisons, Opium and Dangerous Drugs Ordinance (Chapter 218) or included in any law enacted in its place ;

“drug dependant person” means a person to whom this Act applies ;

“National Dangerous Drugs Control Board (NDDCB)” means the National Dangerous Drugs Control Board established by the National Dangerous Drugs Control Board Act, No. 10 of 1984.

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