

CONSTITUTIONAL INSTRUMENT

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THE DRUG AND SUBSTANCE ABUSE PUBLIC EMERGENCY RESPONSE REGULATIONS, 2024

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CONSTITUTIONAL INSTRUMENT NO. 7 OF 2024

Published 17th April, 2024

*THE CONSTITUTION OF SIERRA LEONE,
(Act No. 6 of 1991)*

THE PUBLIC EMERGENCY REGULATIONS, 2024

THE DRUG AND SUBSTANCE ABUSE PUBLIC
EMERGENCY RESPONSE REGULATIONS, 2024

Short title

In exercise of the powers conferred upon him by subsection (5) of section 29 of the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991), and by Proclamation made by the President and published in the Gazette as (Constitutional Instrument No. 6 of 2024), the President hereby makes the following Regulations -

PART I-PRELIMINARY

1. These Regulations shall be deemed to have come into operation on the 17th day of April, 2024 and shall be in force until revoked. Commencement.

2. In these Regulations unless the context otherwise requires Interpretation.

"authorised person" means a person authorised by the Coordinator to carry out drug and substance abuse public emergency response function under these Regulation;

"Centre" means a drug and substance treatment and rehabilitation centre referred to in sub-regulation (1) of Regulation 6;

"Coordinator" means the person appointed by the President to be responsible for coordinating the activities of the National Task Force on Drugs and Substance Abuse;

"National Task Force on Drugs and Substance Abuse" means the National Task Force on Drugs and Substance Abuse established by the President with particular focus on combating rising drug and substance abuse in Sierra Leone;

"premises" includes houses, compounds, unfinished structures, facilities and vacant lands.

PART II - PROHIBITION ON THE PROMOTION, TRANSPORTATION AND USE OF PROHIBITED DRUGS AND SUBSTANCES.

Promotion,
etc., of drugs
and
substances
Prohibited.

3. (1) A person shall not engage in the production, transportation, distribution, commercialisation or use of prohibited drugs and substances, including the synthetic drug, Kush.

(2) The Coordinator shall, for the purpose of subsection (1), from time to time, identify and publish list of prohibited substances.

Use of
premises in
production,
etc.,
prohibited.

4. A person shall not use, cause or permit property to be used in the production, transportation, distribution or commercialisation of prohibited drugs and substances, including the synthetic drug, Kush.

Aiding or
abetting
prohibited.

5. A person shall not aid or abet in the production, transportation, distribution or commercialisation of prohibited drugs and substances, including the synthetic drug, Kush.

PART III - DRUG AND SUBSTANCE ABUSE TREATMENT AND REHABILITATION CENTRES

6. (1) The Coordinator shall, for the purpose of dealing with, drug and substance abuse cases, establish such drug and substance abuse treatment and rehabilitation centres in any place in Sierra Leone, as he may deem necessary.

Drug and substance abuse treatment and rehabilitation centres.

(2) A Centre established under sub-regulation (1) shall be headed by a drug and substance abuse treatment and rehabilitation supervisor who shall be responsible for administration of the centre including oversight of the centre, case management, psychosocial support, food and nutrition supplies.

(3) A person committed to a centre shall not leave that facility unless on the authority of an authorised medical practitioner that, that person does not require further treatment or rehabilitation.

7. Public health measures to ensure the maintenance of essential services critical for drug and substance abuse shall be observed including -

Public health measures to be observed.

- (a) mandatory substance abuse education programs;
- (b) expansion of treatment services, including outpatient clinics and residential facilities;
- (c) implementation of harm reduction strategies.
- (d) regulatory controls on substance advertising, sale and distribution.

8. Victims of drug and substance abuse committed to a centre benefiting from services critical for drug and substance abuse shall have legal safeguards to protect civil liberties, privacy rights, and rights of affected individuals, including provisions for confidentiality in treatment and non- discrimination.

Legal protections and safeguards.

PART IV - DRUG AND SUBSTANCE ABUSE ENFORCEMENT POWERS.

Power to remove, restrain or restrict.

9. An authorised person may, with the assistance of the Sierra Leone Police or the Republic of Sierra Leone Armed Forces, for the purpose of enforcing these Regulations -

- (a) remove a person to a facility or centre;
- (b) restrain a person from leaving or entering a facility or centre;
- (c) restrict the movement of unauthorised persons or vehicles to and from a facility or centre.

Power to take possession or control of property.

10. An authorised person may, with the assistance of the Sierra Leone Police or the Republic of Sierra Leone Armed Forces, take possession or control, including the acquisition, of property or asset linked to the production, transportation, distribution or commercialisation of prohibited drugs and substances, including the synthetic drug, Kush.

Power to enter and search premises or person.

11. An authorised person may, with the assistance of the Sierra Leone Police or the Republic of Sierra Leone Armed Forces, enter and search premises or person suspected of being involved in the production, transportation, distribution or commercialisation, including storage, of prohibited drugs and substances, including the synthetic drug, Kush.

Power to arrest and detain.

12. An authorised person may, with the assistance of the Sierra Leone Police or the Republic of Sierra Leone Armed Forces, detain a person suspected of being in possession and involvement in the production, transportation, distribution or commercialisation, including storage, of prohibited drugs and substances, including the synthetic drug, Kush.

13. An authorised person may, with the assistance of the Sierra Leone Police or the Republic of Sierra Leone Armed Forces, demolish a makeshift structure, ghetto or other premises used in the production, transportation, distribution or commercialisation of prohibited drugs and substances, including the synthetic drug, Kush.

Power to
demolish.

PART V - OFFENCES AND PENALTIES

14. A person who -

Aiding,
abetting, etc.

- (a) aids, abets, directs another person to commit;
- (b) attempts;
- (c) conspires;
- (d) participates as an accomplice to a person committing, or attempting to commit, an offence under these Regulations, commits an offence and is liable, on conviction to a fine of not less than NLe. 15,000 or to a term of imprisonment of not less than 10 years or to both such fine and imprisonment.

15. A person who stores, stocks, keeps a drug prohibited substance, including the synthetic drug, Kush, commits an offence and is liable on conviction to imprisonment for a term not less than 15 years.

Illegal
storage.

16. A person who exhumes human remains without lawful authority commits an offence and is liable, on conviction, to imprisonment for a term of not less than 15 years.

Exhumation
of human
body
prohibited.

MADE THIS 17th day of April, 2024.

RTD. BRIG JULIUS MAADA BIO,
President,

FREETOWN
SIERRA LEONE