



THE REPUBLIC OF ZAMBIA

MINISTERIAL STATEMENT BY HON STEPHEN KAMPYONGO, MP  
MINISTER OF HOME AFFAIRS ON MEDICAL CANNABIS

FEBRUARY 2017

**MR. SPEAKER,**

I WANT TO THANK YOU FOR GRANTING ME THIS OPPORTUNITY TO ISSUE A MINISTERIAL STATEMENT ON THE DEBATE SURROUNDING MEDICINAL CANNABIS.

THE DEBATE HAS EMANATING DUE TO THE PROPOSALS FROM SOME ISOLATED SECTIONS OF SOCIETY, TO LEGALISE THE USE OF CANNABIS FOR MEDICINAL PURPOSES.

THE LEGAL ISSUE FOR CONSIDERATION IS WHETHER, THERE IS ANY LAW THAT PROVIDES FOR THE USE OF CANNABIS FOR MEDICINAL PURPOSES.

**MR. SPEAKER,**

SECTION 9 OF THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CAP 96 OF THE LAWS OF ZAMBIA PROVIDES THAT:

*ANY PERSON WHO, WITHOUT LAWFUL AUTHORITY, CULTIVATES ANY PLANT WHICH CAN BE USED OR CONSUMED AS A NARCOTIC OR PSYCHOTROPIC, OR FROM WHICH A NARCOTIC DRUG OR PSYCHOTROPIC SUBSTANCE CAN BE EXTRACTED, SHALL BE GUILTY OF AN OFFENCE AND SHALL BE LIABLE UPON CONVICTION TO A FINE NOT LESS THAN FIVE HUNDRED PENALTY UNITS OR TO IMPRISONMENT NOT EXCEEDING TEN YEARS OR TO BOTH:*

*PROVIDED THAT NO PERSON SHALL BE GUILTY OF THE OFFENCE UNDER THIS SECTION IF THE PLANT IS CULTIVATED FOR PURPOSES OF MEDICINE OR IS NOT ON A SUBSTANTIAL AND COMMERCIAL SCALE.*

**MR. SPEAKER,**

THE IMPORTANCE OF THIS PRECEDING LEGAL PROVISION IS THAT, IT RECOGNISES CERTAIN CIRCUMSTANCES UNDER WHICH A PERSON CAN WITH LAWFUL AUTHORITY CULTIVATE CANNABIS. ONE OF THE CIRCUMSTANCES UNDER WHICH ONE CAN LEGALLY CULTIVATE CANNABIS IS FOR MEDICINAL PURPOSES.

NOTWITHSTANDING THE PRECEDING PROPOSITION, IT IS MANDATORY THAT ONE OBTAINS THE REQUISITE LAWFUL AUTHORITY TO ENABLE THEM CULTIVATE CANNABIS FOR MEDICINAL PURPOSES. WITHOUT THE REQUISITE LAWFUL AUTHORITY, ONE COMMITS AN OFFENCE OF CULTIVATING THE GROP, EVEN IF IT IS FOR MEDICINAL PURPOSES. HOWEVER, THE LEGAL ISSUE THAT BEGS TO BE RESOLVED AT THIS JUNCTURE IS, WHERE TO OBTAIN THIS LAWFUL AUTHORITY.

**MR SPEAKER,**

IN TERMS OF SECTION 6 OF THE DANGEROUS DRUGS ACT CAP 95 OF THE LAWS OF ZAMBIA, *THE MINISTER MAY BY REGULATIONS:*

- a) PROVIDE FOR CONTROLLING OR RESTRICTING THE PRODUCTION, POSSESSION, SALE AND DISTRIBUTION OF DRUGS TO WHICH THIS PART APPLIES;*
  
- b) PROVIDE FOR PROHIBITING THE PRODUCTION, POSSESSION SALE OR DISTRIBUTION OF ANY DRUG TO WHICH THIS PART APPLIES EXCEPT BY PERSONS LICENSED OR OTHERWISE AUTHORISED IN THAT BEHALF BY THE MINISTER, AND THE*

*CULTIVATION OF PLANTS FROM WHICH SUCH DRUGS ARE DERIVED;*

*c) PRESCRIBE MEASURES TO BE TAKEN FOR THE ERADICATION OF PLANTS, TO WHICH REGULATIONS MADE UNDER PARAGRAPH (b) APPLY, FOUND TO BE GROWING WILD.*

FURTHER IN TERMS OF SECTION 8 OF THE DANGEROUS DRUGS ACT CAP 95, A PERSON WHO, EXCEPT UNDER A LICENSE GRANTED BY THE MINISTER, KNOWINGLY CULTIVATES ANY PLANT OF THE GENUS CANNABIS SHALL BE GUILTY OF AN OFFENCE AGAINST THIS ACT.

**MR SPEAKER**

HAVING CITED THE IMMEDIATE PRECEDING LEGAL PROVISIONS, IT IS SUBMITTED THAT, THE MINISTER OF HEALTH IS THE LICENSING AUTHORITY FOR PURPOSES OF ISSUING LICENSES TO PERSONS WHO INTEND TO CULTIVATE CANNABIS FOR MEDICINAL PURPOSES. WITHOUT OBTAINING THE REQUISITE LICENSE, ANY PERSON WHO CULTIVATES CANNABIS FOR MEDICINAL PURPOSES DOES SO WITHOUT LAWFUL AUTHORITY. FURTHERMORE SECTION 22 OF THE DANGEROUS DRUGS ACT CAP 95 OF THE LAWS OF ZAMBIA PROVIDES THAT:

*A LICENSE OR AUTHORITY ISSUED OR GRANTED FOR THE PURPOSES OF THIS ACT BY THE MINISTER MAY BE ISSUED OR GRANTED ON SUCH TERMS AND SUBJECT TO SUCH CONDITIONS*

*(INCLUDING, IN THE CASE OF A LICENSE, THE PAYMENT OF A FEE) AS THE MINISTER THINKS PROPER.*

THE DRUG ENFORCEMENT COMMISSION'S MANDATE IS TO ENFORCE THE RELEVANT LAWS AND NOT TO ISSUE LICENSES TO PERSONS WHO INTEND TO CULTIVATE CANNABIS FOR MEDICINAL PURPOSES.

**I THANK YOU.**