

SPECIAL ISSUE

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KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

NAIROBI, 29th January, 2024

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(Amendment) Bill, 2024

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**THE NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES (CONTROL) (AMENDMENT) BILL,
2024**

A Bill for

AN ACT of Parliament to amend the Narcotic Drugs and Psychotropic Substances (Control) Act to exempt cathinone and cathine substances found in the Miraa Crop from being classified as psychotropic substances; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Act, 2024.

Short title.

2. The Second Schedule of the Narcotic Drugs and Psychotropic Substances (Control) Act is amended by inserting the following proviso at the end of the Second Schedule —

Amendment of
the Second
Schedule to No. 4
of 1994.

Provided that cathinone and cathine naturally found in miraa crop, *Catha edulis*, is not a classified psychotropic substance.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of the Bill is to delete Cathinone and Cathine, being substances found in Miraa, from the ambits of the Narcotic Drugs and Psychotropic Substances (Control) Act. Miraa is a recognized crop under the Second Schedule of the Crops Act, 2013, and is a source of livelihood for many Kenyans. The government of Kenya has been at the forefront in instituting key institutional reforms in the Miraa industry. These reform initiatives culminated to the enactment of the Crops (Miraa) Regulations, 2022, the opening of Somalia markets, and the renegotiation of the reopening of markets in other countries.

Despite these strides and gains made in developing a well elaborate and robust Miraa sector, Miraa industry continues to suffer setbacks as the National Campaign Against Alcohol and Drug Abuse (NACADA) classifies Miraa as a psychotropic substance because of the Cathine and Cathinone substances found in Miraa. This move contravenes the government's position and continues to hurt the Miraa market.

Amending the Second Schedule by removing Cathinone and Cathine and all their non-proprietary and chemical names from the list of substances mentioned in the Schedule, will in essence, remove Miraa from the list of drugs as classified by NACADA. This removal will in turn bolster the image of Miraa and affirm its status as a crop, thus providing more market access.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

Miraa is a scheduled crop under the Crops Act, 2013. Crops Act is an Act of Parliament whose object is to consolidate and repeal various statutes relating to crops and provide for the growth and development of agricultural crops. Agriculture is a function of the county government under the Fourth Schedule to the Constitution hence this Bill concerns the county governments. Miraa is an economic activity for Kenyans in some parts of the country and its continued classification as a drug therefore has a negative impact on its farming.

Therefore, agriculture is a function of the county government in terms of Article 110(1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 19th September, 2023.

KATHURI MURUNGI,
Senator.

Second Schedule of No. 4 of 1994, which it is proposed to amend –

SECOND SCHEDULE

[s. 2]

LIST OF PSYCHOTROPIC SUBSTANCES

[Act No. 4 of 2022, s. 16.]

NOTE: The names printed in capitals in the left-hand column are the International Non-proprietary Names (INN). Other non-proprietary or trivial names also are given where no INN has yet been recommended or when such names are commonly applied to the substances. Also, under international control are the salts of the substances listed in this Schedule, whenever the existence of such salts is possible.

| <i>INN</i> | <i>Other Non-Proprietary or Trivial Names</i> | <i>Chemical Name</i> |
|----------------|---|---|
| BROLAMFETAMINE | DOB | (±)-4-bromo-2,5-dimethoxy- α -methylphenethylamine |
| CATHINONE | DET | (–)-(S)-2-aminopropiophenone |
| | DMA | 3-[2-(diethylamino)ethyl]indole |
| | DMHP | (±)-2,5-dimethoxy- α -methylphenethylamine |
| | DMT | 3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[<i>b,d</i>]pyran-1-ol |
| | DOET | 3-[2-(dimethylamino)ethyl]indole |
| | | (±)-4-ethyl-2,5-dimethoxy- α -phenethylamine |

| INN | Other Non-Proprietary or Trivial Names | Chemical Name |
|------------------------------|---|--|
| ETICYCLIDINE +)-LYSERGIVE | PCE | <i>N</i> -ethyl-1-phenylcyclohexylamine |
| | LSD, LSD-25 | 9,10-didehydro- <i>N,N</i> -diethyl-6methylergoline-8- β carboxamide (\pm)- <i>N</i> , α -dimethyl-3,4(methylenedioxy)phenethylamine |
| | MDMA | 3,4,5-trimethoxyphenethylamine |
| | mescaline | 3,4,5-trimethoxyphenethylamine |
| | 4-methylaminorex | 2-methoxy- α -methyl-4,5(methylenedioxy)phenethylamine |
| | MMDA | (\pm)- <i>N</i> -ethyl- α -methyl-3,4(methylenedioxy)phenethylamine |
| | <i>N</i> -ethyl MDA | (\pm)- <i>N</i> -(α -methyl-3,4(methylenedioxy)phenethyl]hydroxylamine |
| | <i>N</i> -hydroxy MDA | 3-hexyl-7,8,9,10tetrahydro-6,6,9trimethyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol |
| | parahexyl | <i>p</i> -methoxy- α methylphenethylamine |
| | psilocine, psilotsin | 3-[2-(dimethylamino)ethyl]indol-4-ol |
| PSILOCYBINE | | 3-[2-(dimethylamino)ethyl]indol-1-yl dihydrogen phosphate |

| | | |
|---------------|-----------------------|--|
| ROLICYCLIDINE | PHP, PCPY | 1-(1-phenylcyclohexyl)pyrrolidine |
| | STP, DOM | 2,5-dimethoxy- α ,4dimethylphenethylamine |
| TENAMFETAMINE | MDA | α -methyl-3,4-(methylenedioxy)phenethylamine |
| TENOCYCLIDINE | TCP | 1-[1-(2-thienyl)cyclohexyl]piperidine |
| | tetrahydrocannabinol, | the following isomers and their stereo-chemical variants: |
| | | 7,8,9,10-tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol (9 <i>R</i> ,10 <i>aR</i>)- |
| | | 8,9,10,10 <i>a</i> tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol (6 <i>aR</i> ,9 <i>R</i> ,10 <i>aR</i>)- |
| | | 6 <i>a</i> ,9,10,10 <i>a</i> tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol (6 <i>aR</i> ,10 <i>aR</i>)-6 <i>a</i> , |
| | | 7,10,10 <i>a</i> tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol (6 <i>aR</i> ,10 <i>aR</i>)- |
| | | 6 <i>a</i> ,7,8,10 <i>a</i> tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol |
| | | 6 <i>a</i> ,7,8,9-tetrahydro-6,6,9trimethyl-3-pentyl-6 <i>H</i> dibenzo[<i>b,d</i>]pyran-1-ol (6 <i>aR</i> ,10 <i>aR</i>)- |
| | | 6 <i>a</i> ,7,8,9,10,10 <i>a</i> hexahydro- |

| | |
|---------------|---|
| | 6,6dimethyl-9-methylene-3pentyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol |
| CLOBAZAM | TMA(±)-3,4,5-trimethoxy- α -methylphenethylamine |
| | 7-chloro-1-methyl-5-phenyl-1 <i>H</i> -1,5-benzodiazepine-2,4(3 <i>H</i> ,5 <i>H</i>)dione |
| CLONAZEPAM | 5-(<i>o</i> -chlorophenyl)-1,3-dihydro-7-nitro-2 <i>H</i> -1,4benzodiazepin-2-one |
| CLORAZEPATE | 7-chloro-2,3-dihydro-2-oxo-5-phenyl-1 <i>H</i> -1,4benzodiazepine-3-carboxylic acid |
| CLOTIAZEPAM | 5-(<i>o</i> -chlorophenyl)-7-ethyl-1,3-dihydro-1-methyl-2 <i>H</i> -thieno[2,3- <i>e</i>]-1,4-diazepin-2-one |
| CLOXAZOLAM | 10-chloro-[1 <i>b</i> -(<i>o</i> -chlorophenyl)-2,3,7,11 <i>b</i> tetrahydrooxazolo[3,2- <i>d</i>][1,4]benzodiazepin-6(5 <i>H</i>)-one |
| DFLORAZEPAM | 7-chloro-5-(<i>o</i> -chlorophenyl)-1,3dihydro-2 <i>H</i> -1,4benzodiazepin-2-one |
| DIAZEPAM | 7-chloro-1,3-dihydro-1-methyl-5-phenyl-2 <i>H</i> -1,4benzodiazepin-2-one |
| ESTAZOLAM | 8-chloro-6-phenyl-4 <i>H-s</i> -triazolo[4,3- α][1,4]benzodiazepine |
| ETHCHLORVYNOL | 1-chloro-3-ethyl-1-penten-4-yn-3-ol |

| | |
|---|---|
| ETHINAMATE | 1-ethynylcyclohexanol carbamate |
| ETHYL LOFLAZEPATE | ethyl 7-chloro-5- (<i>o</i> -fluorophenyl)-2,3- dihydro- 2-oxo-1 <i>H</i> - 1,4benzodiazepine- 3carboxylate |
| ETILAMFETAMINE <i>N</i> -ethylamphetamine | <i>N</i> -ethyl- α - methylphenethylamine |
| FENCAMFAMIN | <i>N</i> -ethyl-3-phenyl- 2norbomanamine |
| FENPROPOREX | (\pm)-3-[α - methylphenethyl)amino]pr opionitrile |
| FLUDIAZEPAM | 7-chloro-5- (<i>o</i> fluorophenyl)- 1,3dihydro-1-methyl- 2 <i>H</i> -1,4benzodiazepin- 2-one |
| FLUNITRAZEPAM | 5-(<i>o</i> -fluorophenyl)- 1,3dihydro-1-methyl- 7nitro-2 <i>H</i> - 1,4benzodiazepin-2-one |
| FLURAZEPAM | 7-chloro-1-[2- (diethylamino)ethyl]-5(<i>o</i> - fluorophenyl)-1,3 - dihydro-2 <i>H</i> - 1,4benzodiazepin-2-one |
| HALAZEPAM | 7-chloro-1,3-dihydro- 5phynyl-1- (2,2,2trifluoroethyl)-2 <i>H</i> - 1,4benzodiazepin-2-one |

| | | |
|--------------|-----|--|
| HALOXAZOLAM | | 10-bromo-11b- (<i>o</i> -fluorophenyl)- 2,3,7,11btetrahydrooxazol o [3,2- <i>d</i>] [1,4] |
| KETAMINE | | benzodiazepin-6(5 <i>H</i>)-one |
| KETAZOLAM | | 11-chloro- 8,12bdihydro-2,8- dimethyl-12bphenyl- 4 <i>H</i> -[1,3] oxazino[3,2- <i>d</i>] [1,4]benzodiazepine- 4,7(6 <i>H</i>)dione |
| LEFETAMINE | SPA | (-)- <i>N,N</i> -dimethyl- 1,2diphenylethylamine |
| LOPRAZOLAM | | 6-(<i>o</i> -chloropheny 1)- 2,4dihydro-2[(4-methyl- 1piperaziny)] methylene]-8nitro-] <i>H</i> - imidazo[1,2- α] [1,4]benzodiazepin-1-one |
| LORAZEPAM | | 7-chloro-5- (<i>ochlorophen</i> yl)l ,3- dihydro- 3hydroxy- 2 <i>H</i> - 1,4benzodiaz epin-2-one |
| LORMETAZEPAM | | 7-chloro-5- (<i>ochlorophenyl</i>)- 1,3dihydro-3-hydroxy- 1methyl-2 <i>H</i> - 1,4benzodiazepin-2-one |

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|--------------------------|--|
| MAZINDOL | 5-(<i>p</i> -chlorophenyl)- 2,5dihydro-3 <i>H</i> - imidazo[2,1- α]isoindol- 5o1 |
| MEDAZEPAM | 7-chloro-2,3-dihydro- 1methyl-5-phenyl-1 <i>H</i> - 1,4benzodiazepine |
| MEFENOREX | N-(3-chloropropyl)- α methylphenethylamine |
| MEPROBAMATE | 2-methyl-2-propyl-1- 3propanediol, dicarbamate |
| METHYLPHENO- BARBITAL | 5-ethyl-1-methyl- 5phenylbar bituric acid |
| METHYPRYLON | 3, 3-dithyl-5-methyl- 2,4piperidine-dione |
| MIDAZOLAM | 8-chloro-6- (<i>o</i> fluorophenyl)-1- methyl-4 <i>H</i> -imidazol[1,5- α] [1,4]benzodiazepine |
| NIMETAZEPAM | 1,3-dihydro-1-methyl- 7nitro-5-phenyl-2 <i>H</i> - 1,4benzodiazepin-2-one |
| NITRAZEPAM | 1,3-dihydro-7-nitro- 5phenyl-2 <i>H</i> - 1,4benzodiazepin-2-one |
| NORDAZEPAM | 7-chloro-1,3- dihydro-5phenyl- 2 <i>H</i> - 1,4benzodiazepin2- one |
| OXAZEPAM | 7-chloro-1,3-dihydro- 3hydroxy-5-phenyl-2 <i>H</i> - 1,4benzodiazepin-2-one |

| | |
|-----------------|---|
| OXAZOLAM | 10-chloro- 2,3,7,11btetrahydro-2- methyl- 11bphenyloxazolo[3,2- <i>d</i>] [1,4]benzodiazepin-6(5)- one |
| PERMOLINE** | 2-amino-5-phenyl- 2oxazolin-4- one(=2imino-5-phenyl- 4oxazolidinone) |
| PHENDIMETRAZINE | (+)-(SS,3S)-3,4dimethyl- 2phenylmorpholine |
| PHENOBARBITAL | 5-ethyl-5- phenylbarbituric acid |
| PHENTERMINE | α,α - dimethylphenethyl amine |
| PINAZEPAM | 7-chloro-1,3-dihydro-5- phenyl-1-(2- propynyl)-2 <i>H</i> ,4- benzodiazepin-2- one |
| PIPRADROL | α,α -diphenyl-2- piperidinemethano 1 |
| PRAZEPAM | 7-chloro-1- (cyclopropylmethyl) -1,3dihydro-5- phenyl-2 <i>H</i> - 1,4benzodiazepin-2- one |
| PROPYLHEXEDRINE | N, α - dimethylcyclohexaneet hylamine |
| PYROVALERONE | 4'-methyl-2-(1- pyrrolidiny)valero phenone |

| | |
|-----------------|---|
| SECBUTABARBITAL | 5- <i>see</i> -butyl-5-ethylbarbituric acid |
| TEMAZEPAM | 7-chloro-1,3-dihydro-3-hydroxy-1-methyl-5phenyl-2 <i>H</i> -1,4benzodiazepin-2-one |
| TETRAZEPAM | 7-chloro-5-(1-cyclohexen-1-yl)-1,3dihydro-1-methyl-2 <i>H</i> -1,4benzodiazepin-2-one |
| TRIAZOLAM | 8-chloro-6-(<i>o</i> -chlorophenyl)-1-methyl-4 <i>H</i> -s-triazolo[4,3- α][1,4]benzodiazepine |
| VINYLBITAL | 5-(1-methylbutyl)-5-vinylbarbituric acid |
| AMFETAMINE | (\pm)-2-amino-1phenylpropane |
| DEXAMFETAMINE | (+)-2-amino-1-phenylpropane |
| FENETYLLINE | <i>dl</i> -3, 7-dihydro-1, 3-dimethyl-7-(2-((1methyl-2-phenylethyl) amino)(ethyl)-1 <i>H</i> purine-2,6-dione |
| LEVAMFETAMINE | 1- α -methylphenethylamine levomethamphetamine 1- <i>N</i> , α -dimethylphenethylamine |
| MECLOQUALONE | 3-(<i>o</i> -chlorophenyl)-2- |

| | | |
|-----------------|-----|---|
| | | methyl-4(3 H)quinazolinone |
| METHAMFETAMINE | | (+)-2-methylamino-1- phenylpropane |
| METHAQUALONE | | 2-methyl-3- <i>o</i> -tolyl-4(3H)- quinazolinone |
| METHYLPHENIDATE | | 2-phenyl-2-(2- piperidyl) acetic acid, methyl ester |
| PHENCYCLIDINE | PCP | 1-(1-phenylcyclohexyl) piperidine |
| PHENMETRAZINE | | 3-methyl- 2phenylmorpholine |

The salts of the substances listed in this Schedule whenever the existence of such salts is possible.

| <i>INN</i> | <i>Other Non-Proprietary or Trivial Names</i> | <i>Chemical Name</i> |
|---------------|---|--|
| AMOBARBITAL | | 5-ethyl-5-(3-methylbutyl) barbituric acid |
| BUTALBITAL | | 5-allyl-5-isobutylbarbituric acid |
| CATHINE | | <i>d</i> - <i>threo</i> -2-amino-1- hydroxy-1phenylpropane |
| CYCLOBARBITAL | | 5-(1-cyclohexen-1-yl)- 5ethylbarbituric acid |
| GLUTETHIMIDE | | 2-ethyl-2- phenylglutarimide |
| PENTAZOCINE | | 1,2,3,4,5,6-hexahydro-6, 11-dimethyl-3-(3-methyl- 2butenyl)-2,6-methano- 3benzazocin-8-01 |
| PENTOBARBITAL | | 5-ethyl-5-(1-methylbutyl) barbituric acid |
| SECOBARBITAL | | 5-allyl-5-(1-methylbutyl) barbituric acid |

The salts of the substances listed in this schedule whenever the existence of such salts is possible.

| <i>INN</i> | <i>Other Non-Proprietary or Trivial Names</i> | <i>Chemical Name</i> |
|------------------|---|--|
| ALLOBARBITAL | | 5,5-diallylbarbituric acid |
| ALPRAZOLAM | | 8-chloro-1-methyl-6phenyl-4 <i>H</i> - β -triazolo[4,3- α][1,4]benzodiazepine |
| AMFEPRAMONE | | 2-(diethylamino)Propiophenone |
| BARBITAL | | 5,5-diethylbarbituric acid |
| BENZPHETAMINB | | <i>N</i> -benzyl- <i>N</i> , α dimethylphenethylamine |
| BROMAZEPAM | | 7-bromo-1,3-dihydro-5(2-pyridyl)-2 <i>H</i> -1,4benzodiazepin-2-one |
| BUTOBARBITAL | | 5-butyl-5-ethylbarbituric acid |
| CAMAZEPAM | | 7-chloro-1,3,-dihydro-3hydroxy-1-methyl-5phenyl-2 <i>H</i> -1,4benzodiazepin-2-one dimethylcarbamate (ester) |
| CHLORDIAZEPOXIDE | | 7-chloro-2-(methylamino)-5-phenyl-3 <i>H</i> -1,4benzodiazepine-4-oxide |