

SPECIAL ISSUE

Kenya Gazette Supplement No. 23 (Senate Bills No. 1)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2024

NAIROBI, 29th January, 2024

CONTENT

Bill for Introduction into the Senate —	PAGE
The Narcotic Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2024	1

**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-2,5dimethoxy- <i>α</i> -methylphenethylamine
CATHINONE	DET	(–)-(S)-2-aminopropiophenone
	DMA	3-[2-(diethylamino)ethyl]indole
	DMHP	(±)-2,5-dimethoxy- <i>α</i> -methylphenethylamine
	DMT	3-(1,2-dimethylheptyl)-7,8,9,10tetrahydro-6,6,9trimethyl-6 <i>H</i> -dibenzo[<i>b,d</i>]pyran-1-ol
	DOET	3-[2-(dimethylamino)ethyl]indole (±)-4-ethyl-2,5dimethoxy- <i>α</i> phenethylamine

<i>INN</i>	<i>Other Non-Proprietary or Trivial Names</i>	<i>Chemical Name</i>
ETICYCLIDINE +)-LYSERGIVE	PCE	<i>N</i> -ethyl-1-phenylcyclohexylamine
	LSD, LSD-25	9,10-didehydro- <i>N,N</i> -diethyl-6methylethanolamine-8-βcarboxamide
	MDMA	(±)- <i>N,α</i> -dimethyl-3,4(methylenedioxy)phenethylamine
	mescaline	3,4,5-trimethoxyphenethylamine
	4-methylaminorex	2-methoxy- <i>α</i> -methyl-4,5(methylenedioxy)phenethylamine
	MMDA	(±)- <i>N</i> -ethyl- <i>α</i> -methyl-3,4(methylenedioxy)phenethylamine
	<i>N</i> -ethyl MDA	(±)- <i>N</i> -(<i>α</i> -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- <i>α</i> methylphenethylamine
	PMA	3-[2-(dimethylamino)ethyl]indol-4ol
	psilocine, psilotsin	3-[2-(dimethylamino)ethyl]indol-4ol
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-6Hdibenzo[<i>b,d</i>]pyran-1-ol (9 <i>R</i> ,10 <i>α</i> <i>R</i>)- 8,9,10,10 <i>α</i> tetrahydro-6,6,9trimethyl-3-pentyl-6Hdibenzo[<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-6Hdibenzo[<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-6Hdibenzo[<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-6,6,9-trimethyl-3-pentyl-6Hdibenzo[<i>b,d</i>]pyran-1-ol 6 <i>a</i> ,7,8,9-tetrahydro-6,6,9trimethyl-3-pentyl-6Hdibenzo[<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-

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

MAZINDOL	5-(<i>p</i> -chlorophenyl)- 2,5dihydro-3 <i>H</i> - imidazo[2,1- α]isoindol- 5o1
MEDAZEPAM	7-chloro-2,3-dihydro- 1-methyl-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- 2,3,7,11-tetrahydro-2- methyl- 11-phenyloxazolo[3,2- <i>d</i>] [1,4-]benzodiazepin-6(5)- one
PERMOLINE**	2-amino-5-phenyl- 2-oxazolin-4- one(=2-imino-5-phenyl- 4-oxazolidinone)
PHENDIMETRAZINE	(+)-(2 <i>S</i> ,3 <i>S</i>)-3,4-dimethyl- 2-phenylmorpholine
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) -1,3-dihydro-5- phenyl-2 <i>H</i> - 1,4-benzodiazepin-2- one
PROPYLHEXEDRINE	N, α - dimethylcyclohexaneet hylamine
PYROVALERONE	4'-methyl-2-(1- pyrrolidinyl)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> - <i>s</i> -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	<i>l</i> - α -methylphenethylamine levomethamphetamine <i>l</i> - <i>N</i> , α -dimethylphenethylamine
MECLOQUALONE	3-(<i>o</i> -chlorophenyl)-2-

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