

REPUBLIC OF SOUTH AFRICA

DRUGS AND DRUG TRAFFICKING AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. 47193 of 4 August 2022)
(The English text is the official text of the Bill)*

(MINISTER OF JUSTICE AND CORRECTIONAL SERVICES)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments
_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the Drugs and Drug Trafficking Act, 1992 so as to—

- * **repeal the Minister's delegated plenary legislative powers to amend Schedules 1 and 2;**
- * **amend Schedule 1 and Schedule 2; and**
- * **provide for matters connected therewith.**

PARLIAMENT of the Republic of South Africa enacts as follows:—

Repeal of section 63 of Act 140 of 1992

1. Section 63 of the Drugs and Drug Trafficking Act, 1992 (hereinafter referred to as "the principal Act"), is hereby repealed.

Substitution of Schedules 1 and 2 to Act 140 of 1992

2. The following Schedules are hereby substituted for Schedules 1 and 2 to the principal Act, respectively:

"Schedule 1
SCHEDULED SUBSTANCES
SUBSTANCES USEFUL FOR THE MANUFACTURE OF DRUGS

PART I

1. The following substances, namely—

N-Acetylanthranilic acid.

Ephedrine.

Ergometrine.

Ergotamine.

Isosafrole.

Lysergic acid.

3,4-Methylenedioxyphenyl-2-propanone.

Norephedrine, including its optical isomers.

1-phenyl-2-propanone.

Piperonal.

Pseudoephedrine.

Safrole.

2. The salts of all substances included in this Part, where the existence of such salts is possible.

PART II

1. The following substances, namely—

Acetic anhydride.

Acetone.

Anthranilic acid.

Ethyl ether.

Hydrochloric acid.

Methyl ethyl ketone.

Ortho-toluidine.

Phenylacetic acid.

Piperidine.

Potassium permanganate.

Sulphuric acid.

Toluene.

2. The salts of all substances included in this Part, except hydrochloric acid and sulphuric acid, where the existence of such salts is possible.

Schedule 2

PART I

DEPENDENCE-PRODUCING SUBSTANCES

1. The following substances, namely—
Amobarbital, cyclobarbital and pentobarbital, except preparations and mixtures containing not more than 30 milligrams per minimum recommended or prescribed dose when intended for continued use in asthma, or containing not more than 50 milligrams per minimum recommended or prescribed dose when intended for continued use in epilepsy.

Buprenorphine.

Butalbital.

Cathine ((+) - norpseudoephedrine), except preparations and mixtures containing 50 milligrams or less of cathine per dosage unit.

Chlorphentermine.

Diethylpropion (amfepramone).

Flunitrazepam.

Gluthethimide.

Meptazinol.

Pentazocine.

[Tiletamine]

2. Unless expressly excluded, all substances included in this Part include the following:

- (a) The salts and esters of the specified substances, where the existence of such salts and esters is possible; **[and]**
- (b) all preparations and mixtures of the specified substances; and
- (c) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is

similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2.

PART II

DANGEROUS DEPENDENCE-PRODUCING SUBSTANCES

1. The following substances or plants, namely—

Acetorphine.

Acetyldihydrocodeine, except preparations and mixtures containing not more than 20 milligrams of acetyldihydrocodeine per recommended or prescribed dose.

Acetylmethadol.

Alfentanil.

Allylprodine.

Alphacetylmethadol.

Alphameprodine.

Alphamethadol.

Alphaprodine.

Anileridine.

Benzethidine.

Benzphetamine.

Benzylmorphine.

Betacetylmethadol.

Betameprodine.

Betamethadol.

Betaprodine.

Bezitramide.

Butorphanol.

Chlorodyne (Chloroform and Morphine Tincture BP 1980) or any preparation or mixture thereof described as chlorodyne, except preparations and mixtures containing not more than 5,0 per cent of chlorodyne in combination with other active medicinal substances.

Clonitazene.

Coca leaf and any salt, compound, derivative or preparation of coca leaf, and any salt, compound, derivative or preparation thereof that is chemically equivalent or identical to any of these substances, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis, except decocainized coca leaf and extractions of coca leaf where such extractions contain no cocaine or ecgonine.

Codeine (methyldorphine), except preparations and mixtures containing not more than 20 milligrams of codeine per recommended or prescribed dose.

Codoxime.

Desomorphine.

Dextromoramide.

Dextropropoxyphene, except preparations and mixtures for oral use containing not more than 135 milligrams dextropropoxyphene, calculated as the base, per dosage unit, or with a concentration of not more than 2,5 per cent in undivided preparations.

Diampromide.

Diethylthiambutene.

Difenoxin (or diphenoxyllic acid), except mixtures containing, per dosage unit, not more than 0,5 milligrams of difenoxin, calculated as the base, and a quantity of atropine sulphate equal to at least 5,0 per cent of the quantity of difenoxin, calculated as the base, which is present in the mixture.

Dihydrocodeine, except preparations and mixtures containing not more than 20 milligrams of dihydrocodeine per recommended or prescribed dose.

Dihydroetorphine.

Dihydromorphine.

Dimenoxadol.

Dimepheptanol.

Dimethylthiambutene.

Dioxaphetylbutyrate.

Diphenoxylate, except preparations containing not more than 2,5 milligrams of diphenoxylate, calculated as the base, and not less than 25 micrograms of atropine sulphate per dosage unit.

Dipipanone.

Dronabinol [(-)-transdelta-9-tetrahydrocannabinol].

Drotebanol.

Ecgonine and the esters and derivatives thereof which are convertible to ecgonine and cocaine.

Ethylmethylthiambutene.

Ethylmorphine, except preparations and mixtures containing not more than 20 milligrams of ethylmorphine per recommended or prescribed dose.

Etonitazene.

[Etorphine.]

Etorphine and analogues.

Etoxidine.

Fenproporex.

Fentanyl.

Furethidine.

Hydrocodone (dihydrocodeinone).

Hydromorphinol (14-hydroxydihydromorphine).

Hydromorphone (dihydromorphinone).

Hydroxypethidine.

Isomethadone.

Ketobemidone.

Levomoramide.

Levophenacymorphan.

Levorphanol.

Mecloqualone.

Mefenorex.

Metazocine.

Methadone.

Methadone-intermediate.

Methorphan, including levomethorphan and racemethorphan, but excluding dextromethorphan.

Methyldesorphine.

Methyldihydromorphine.

Methylphenidate and the derivatives thereof.

Metopon.

Moramide-intermediate.

Morpheridine.

Morphine, except preparations and mixtures of morphine containing not more than 0,2 per cent of morphine, calculated as anhydrous morphine.

Morphine methobromide and other pentavalent nitrogen morphine derivatives.

Morphine-N-oxide and the derivatives thereof.

Myrophine (myristylbenzylmorphine).

Nicocodine.

Nicodicodine.

Nicomorphine.

Noracymethadol.

Norcodeine, except preparations and mixtures containing not more than 20 milligrams norcodeine per recommended or prescribed dose.

Norlevorphanol.

Normethadone.

Normorphine (demethylmorphine or N-demethylated morphine).

Norpipanone.

Opium and opiates and any salt, compound, derivative or preparation of opium or opiates, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis, except mixtures containing not more than 0,2 per cent of morphine, calculated as anhydrous morphine.

Opium-poppy and poppy straw, whether obtained directly or indirectly by extraction from material or substances obtained from plants, or whether obtained independently by chemical synthesis, or by a combination of extraction and chemical synthesis.

Oxycodone (14-hydroxydihydrocodeinone or dihydrohydroxycodone).

Oxymorphone (14-hydroxydihydromorphinone or dihydrohydroxymorphinone).

Pethidine, pethidine-intermediate A, pethidine-intermediate B and pethidine-intermediate C.

Phenadoxone.

Phenampramide.

Phenazocine.

Phendimetrazine.

Phenomorphane.

Phenoperidine.

Pholcodine, except preparations and mixtures containing not more than 20 milligrams of pholcodine per recommended or prescribed dose.

Piminodine.

Piritramide.

Proheptazine.

Properidine.

Propiram.

Racemoramide.

Racemorphan.

Remifentanil.

Secobarbital.

Sufentanil.

Thebacon.

Thebaine.

Tilidine.

Trimeperidine.

Zipeprol.

2. Unless expressly excluded, all substances or plants included in this Part include the following:

- (a) The isomers of the specified substances or plants, where the existence of such isomers is possible;
- (b) the esters and ethers of the specified substances or plants and of the isomers referred to in subparagraph (a), as well as the isomers of such esters and ethers, where the existence of such esters, ethers and isomers is possible;
- (c) the salts of the specified substances or plants, of the isomers referred to in subparagraph (a) and of the esters, ethers and isomers referred to in subparagraph (b), as well as the isomers of such salts, where the existence of such salts and isomers is possible; **[and]**
- (d) all preparations and mixtures of the specified substances or plants and of the isomers, esters, ethers and salts referred to in this paragraph; and
- (e) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is

similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2.

PART III

UNDESIRABLE DEPENDENCE-PRODUCING SUBSTANCES

1. The following substances or plants, namely—

Amphetamine.

Brolamfetamine.

4-bromo-2,5-dimethoxyphene-thylamine (2C-B), (Nexus).

Bufotenine (N,N-dimethylserotonin).

Cannabicyclohexanol.

Cannabis (dagga), the whole plant or any portion or product thereof, except dronabinol [(-)-transdelta-9-tetrahydrocannabinol].

Cathinone.

CP-47,497.

CP 47, 497-C6.

CP 47, 497-C7.

CP 47, 497-C8.

CP 47, 497-C9.

Dexamphetamine.

Diethyltryptamine [3-(2-(diethylamino)-ethyl)-indole].

2,5-dimethoxyamphetamine (DMA).

2,5-dimethoxy-4-ethylamphetamine (DOET).

(±)-N,-dimethyl-3,4-(methylenedioxy) phenethylamine (3,4-methylenedioxyamfetamine) (MDMA).

3-(1,2-dimethylheptyl)-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo [*b,d*] pyran-1-ol (DMHP).

Dimethyltryptamine [3-(2-(dimethylamino)-ethyl)-indole].

Etilamfetamine (N-ethylamphetamine).

Etryptamine (3-(2 -aminobutyl)indole).

Fenetylline.

Fentanyl-analogues:

acetyl-alpha-methyl-fentanyl;

alpha-methyl-fentanyl;

alpha-methyl-fentanyl-acetanilide;

alpha-methyl-thio-fentanyl;

benzyl-fentanyl;

beta-hydroxy-fentanyl;

beta-hydroxy-3-methyl-fentanyl;

3-methyl-fentanyl and the two isomeric forms thereof, namely, cis-N-(3-methyl-1-(2-phenethyl)-4-piperidyl) propionanilide and trans-N-(3-methyl-1-(2-phenethyl)-4-piperidyl) propionanilide;

3-methyl-thio-fentanyl;

para-fluoro-fentanyl; and

thiofentanyl.

Gamma-hydroxybutyrate (GHB).

Harmaline (3,4-dihydroharmine).

Harmine [7-methoxy-1-methyl-9H-pyrido (3,4-b)-indole].

Heroin (diacetylmorphine).

HU-210.

JWH-018.

JWH-073.

JWH-200.

Levamphetamine.

Levomethamphetamine.

Lysergide (lysergic acid diethylamide).

Mescaline (3,4,5-trimethoxyphenethylamine).

Methamphetamine and methamphetamine racemate.

Methaqualone, including Mandrax, Isonox, Quaalude, or any other preparation containing methaqualone and known by any other trade name.

Methcathinone (2-(methylamino)-1-phenylpropan-1-one).

2-methoxy-4,5-methylenedioxyamphetamine (MMDA).

4-methylaminorex.

4-methyl-2,5-dimethoxyamphetamine (DOM) and the derivatives thereof.

Methylenedioxyamphetamine (MDA):

N-ethyl-methylenedioxyamphetamine; and

N-hydroxy-methylenedioxyamphetamine.

Nabilone.

Parahexyl.

Paramethoxyamphetamine (PMA).

Phencyclidine and the congeners thereof, namely, N-ethyl-1-phenylcyclohexylamine (PCE), 1-(1-phenylcyclohexyl) pyrrolidine (PHP or PCPY) and 1-[1-(2-thienyl) cyclohexyl] piperidine (TCP).

Pethidine-analogues:

1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP);

1-methyl-4-phenyl-1,2,5,6-tetrahydropiperidine (MPTP); and

1-phenylethyl-4-phenyl-4-acetyloxy-piperidine (PEPAP).

Phenmetrazine.

Psilocin (4-hydroxydimethyltryptamine).

Psilocybin (4-phosphoryloxy-N,N-dimethyltryptamine).

Tetrahydrocannabinol.

3,4,5-trimethoxy amphetamine (TMA).

2. Unless expressly excluded, all substances or plants included in this Part include the following:

- (a) The isomers of the specified substances or plants, where the existence of such isomers is possible;
- (b) the esters and ethers of the specified substances or plants and of the isomers referred to in subparagraph (a), as well as the isomers of such esters and ethers, where the existence of such esters, ethers and isomers is possible;
- (c) the salts of the specified substances or plants, of the isomers referred to in subparagraph (a) and of the esters, ethers and isomers referred to in subparagraph (b), as well as the isomers of such salts, where the existence of such salts and isomers is possible; **[and]**
- (d) all preparations and mixtures of the specified substances or plants and of the isomers, esters, ethers and salts referred to in this paragraph; and
- (e) all homologues of the listed substances (being any chemically related substances that incorporate a structural fragment into their structures that is

similar to the structure of a listed substance or exhibit pharmacodynamic properties similar to the listed substances in this Part of the Schedule), unless listed separately in any Part of Schedule 2."

Short title and commencement

3. This Act is called the Drugs and Drug Trafficking Amendment Act, 2022.