



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 526 Cape Town

21 April 2009

No. 32150

THE PRESIDENCY

No. 436

21 April 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 70 of 2008: Prevention of and Treatment for Substance Abuse Act, 2008.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(English text signed by the President.)
(Assented to 19 April 2009.)*

ACT

To provide for a comprehensive national response for the combating of substance abuse; to provide for mechanisms aimed at demand and harm reduction in relation to substance abuse through prevention, early intervention, treatment and re-integration programmes; to provide for the registration and establishment of treatment centres and halfway houses; to provide for the committal of persons to and from treatment centres and for their treatment, rehabilitation and skills development in such treatment centres; to provide for the establishment of the Central Drug Authority; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the drug trade has increased globally in intensity and reach;

AND WHEREAS substance abuse in South Africa has increased rapidly and demands a comprehensive national response;

AND WHEREAS South Africa continues to combat substance abuse through a wide range of programmes in order to reduce supply, demand and harm caused by substances;

AND WHEREAS a uniform law to deal with the prevention of and treatment for substance abuse and the harm associated therewith, the rehabilitation of service users in the various institutions and the reintegration of service users in their communities is urgently required,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

ARRANGEMENT OF SECTIONS

CHAPTER 1

DEFINITIONS AND OBJECTS OF ACT

5

1. Definitions
2. Objects of Act

CHAPTER 2**COMBATING OF SUBSTANCE ABUSE**

3. Interventions to combat substance abuse

CHAPTER 3**STRATEGIES AND PRINCIPLES FOR DEMAND AND HARM REDUCTION 5**

4. Guiding principles for provision of services
5. Intersectoral strategies for reducing demand and harm caused by substance abuse
6. Development of and compliance with minimum norms and standards
7. Support for services delivered by service providers 10

CHAPTER 4**PREVENTION AND EARLY INTERVENTION SERVICES**

8. Programmes for prevention of substance abuse
9. Purpose of providing prevention programmes
10. Establishment and purpose of programmes for early intervention 15
11. Provision of prevention and early intervention services by various stakeholders

CHAPTER 5**COMMUNITY-BASED SERVICES**

12. Guidelines for community-based services
13. Establishment and provision of community-based services 20
14. Registration of community-based services
15. Management structure of community based services
16. Registration of mental health practitioners providing community-based services

CHAPTER 6 25**IN-PATIENT AND OUT-PATIENT SERVICES**

17. Establishment and disestablishment of public treatment centre
18. Purposes for which persons are admitted to treatment centres
19. Registration and cancellation of registration of treatment centre
20. Establishment of public halfway house 30
21. Registration of private halfway house
22. Compliance with conditions for registration of treatment centre and halfway house
23. Monitoring and assessment of treatment centre and halfway house
24. Staff of public treatment centre and public halfway house 35
25. Appeals
26. Death, serious injury or abuse of service user or any person affected by substance abuse in treatment centre or halfway house
27. Establishment of out-patient services
28. Children abusing substances or affected by substance abuse 40
29. Management structure of treatment centre and halfway house

CHAPTER 7**AFTERCARE AND REINTEGRATION SERVICES**

- 30. Establishment of aftercare and reintegration services
- 31. Support groups

CHAPTER 8

5

ADMISSION, TRANSFER AND REFERRAL TO TREATMENT CENTRE

- 32. Admission of voluntary service user to treatment centre
- 33. Admission of involuntary service user to treatment centre
- 34. Admission and transfer of children
- 35. Committal of person to treatment centre after enquiry 10
- 36. Committal of person to treatment centre after conviction
- 37. Court may order inquiry in terms of this Act
- 38. Estimation of age of person
- 39. Postponement of order
- 40. Temporary custody of person pending enquiry or removal to treatment centre 15
- 41. Appeal against and review of certain orders
- 42. Admission or transfer to treatment centre
- 43. Transfer of involuntary service user from and to treatment centre
- 44. Transfer of involuntary service user from prison, child and youth care centre, alternative care or health establishment to public treatment centre 20
- 45. Retransfer from public treatment centre to prison, child and youth care centre, alternative care or health establishment
- 46. Leave of absence from treatment centre
- 47. Involuntary service user of treatment centre may be released on licence or discharged 25
- 48. Revocation of licence
- 49. Admission to treatment centre of persons who are not South African citizens or permanent residents
- 50. Service user to have access to management and *vice versa*

CHAPTER 9

30

DISCIPLINARY INTERVENTION AND APPEAL PROCEDURE

- 51. Maintenance of discipline in treatment centre, halfway house, out-patient services and community-based services
- 52. Method of dealing with absconder from treatment centre

CHAPTER 10

35

CENTRAL DRUG AUTHORITY AND SUPPORTING STRUCTURES

- 53. Establishment and functions of Central Drug Authority
- 54. Executive committee
- 55. Secretariat of Central Drug Authority
- 56. Powers and duties of Central Drug Authority 40
- 57. Establishment of Provincial Substance Abuse Forums
- 58. Functions of Provincial Substance Abuse Forums
- 59. Executive committee of Provincial Substance Abuse Forums
- 60. Establishment of Local Drug Action Committees

61. Functions of Local Drug Action Committees
 62. Compliance with implementation of National Drug Master Plan by various government departments, entities and stakeholders

CHAPTER 11

GENERAL PROVISIONS 5

63. Offences and penalties
 64. Delegation
 65. Regulations
 66. Repeal of laws and savings
 67. Short title and commencement 10

CHAPTER 1

DEFINITIONS AND OBJECTS OF ACT

Definitions

1. In this Act, unless the context indicates otherwise—
- “**abuse**” means the sustained or sporadic excessive use of substances and includes any use of illicit substances and the unlawful use of substances; 15
- “**aftercare**” means ongoing professional support to a service user after a formal treatment episode has ended in order to enable him or her to maintain sobriety or abstinence, personal growth and to enhance self-reliance and proper social functioning; 20
- “**Central Drug Authority**” means the Central Drug Authority established by section 53; 20
- “**child**” means a person under the age of 18 years;
- “**child and youth care centre**” means a “child and youth care centre” as defined in the Children’s Act; 25
- “**Children’s Act**” means the Children’s Act, 2005 (Act No. 38 of 2005);
- “**community-based services**” means services provided to persons who abuse or are dependent on substances and to persons affected by substance abuse while remaining within their families and communities;
- “**Criminal Procedure Act**” means the Criminal Procedure Act, 1977 (Act No. 51 of 1977); 30
- “**Department**” means the Department of Social Development in the national sphere of government;
- “**detoxification**” means a medically supervised process by which physical withdrawal from a substance is managed through administration of individually prescribed medicines by a medical practitioner in a health establishment, including a treatment centre authorised to provide such a service under the National Health Act; 35
- “**Director-General**” means the head of the Department;
- “**halfway house**” means a public or private halfway house that has been established or registered to provide a sober living environment for service users who have completed a formal treatment programme for substance abuse and require a protected living environment in order to prepare them for reintegration into society; 40
- “**health establishment**” means “health establishment” as defined in section 1 of the National Health Act; 45
- “**Health Professions Act**” means the Health Professions Act, 1974 (Act No. 56 of 1974);
- “**HOD**” means a provincial head of department responsible for social development; 50