

A BILL

*i n t i t u l e d*

An Act to amend the Dangerous Drugs Act 1952.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title**

**1.** This Act may be cited as the Dangerous Drugs (Amendment) (No. 2) Act 2014.

**Amendment of section 2**

**2.** The Dangerous Drugs Act 1952 [*Act 234*], which is referred to as the “principal Act” in this Act, is amended in section 2 by inserting after the definition “in transit” the following definition:

‘ “kratom” means any part of any plant of the genus *Mitragyna* from which there is found to be present *mitragynine* irrespective of its quantity, and by whatever name the plant may be designated;’.

**Amendment of heading of Part II**

3. The heading of Part II of the principal Act is amended by substituting for the words “AND CANNABIS” the words “, CANNABIS AND KRATOM”.

**Amendment of section 4**

4. Section 4 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and cannabis**” the words “, **cannabis and kratom**”; and

(b) in subsection (1), by substituting for the words “or cannabis” the words “, cannabis or kratom”.

**Amendment of section 5**

5. Section 5 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and cannabis**” the words “, **cannabis and kratom**”; and

(b) in subsection (1), by substituting for the words “or cannabis” the words “, cannabis or kratom”; and

(c) in subsection (2), by substituting for the words “or cannabis” wherever appearing the words “, cannabis or kratom”.

**Amendment of section 6**

6. Section 6 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and cannabis**” the words “, **cannabis and kratom**”; and

(b) by substituting for the words “or cannabis” the words “, cannabis or kratom”.

**Amendment of section 6B**

7. Section 6B of the principal Act is amended—

(a) in subsection (1)—

- (i) in paragraph (a), by substituting for the words “or cannabis” the words “, cannabis or kratom”;
- (ii) in paragraph (b), by substituting for the words “or cannabis” the words “, cannabis or kratom”;  
and
- (iii) in paragraph (c), by substituting for the words “or cannabis” the words “, cannabis or kratom”;

(b) in subsection (2), by substituting for the words “or cannabis” the words “, cannabis or kratom”; and

(c) in subsection (4), by substituting for the words “or cannabis” the words “, cannabis or kratom”.

**Amendment of section 7**

8. Section 7 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words “**and cannabis**” the words “, **cannabis and kratom**”; and

(b) in subsection (1), by substituting for the words “or cannabis” the words “, cannabis or kratom”.

**Amendment of First Schedule**

9. The First Schedule to the principal Act is amended—

(a) in Part I, by inserting after the item “Cannabis” the item “Kratom”; and

(b) in Part III, by inserting—

- (i) after the item “Anileridine” the item “Any part of any plant from which mitragynine can be extracted”;

- (ii) after the item “Extract or tincture of coca leaves” the item “Extract or tincture of kratom leaves”;
- (iii) after the item “Ketobemidone” the item “Kratom leaves or any part of kratom plant”; and
- (iv) after the item “Metopon” the item “Mitragynine”.

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#### EXPLANATORY STATEMENT

This Bill seeks to amend the Dangerous Drugs Act 1952 (“Act 234”).

- 2. *Clause 1* contains the short title of the proposed Act.
- 3. *Clause 2* seeks to amend section 2 of Act 234 to introduce a definition of “kratom”. With this proposed amendment, kratom will be listed as dangerous drug in the First Schedule to Act 234.
- 4. *Clause 4* seeks to amend section 4 of Act 234 to restrict the importation of kratom.
- 5. *Clause 5* seeks to amend section 5 of Act 234 to restrict the exportation of kratom.
- 6. *Clause 6* seeks to amend section 6 of Act 234 to restrict the possession of kratom.
- 7. *Clause 7* seeks to amend section 6B of Act 234 to restrict the planting or cultivation of kratom.
- 8. *Clause 8* seeks to amend section 7 of Act 234 to provide for the power to regulate the production of and dealing in kratom.
- 9. *Clause 9* seeks to amend the First Schedule to Act 234 to list kratom as dangerous drug.
- 10. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

#### FINANCIAL IMPLICATION

This Bill will not involve the Government in any extra financial expenditure.