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THE PRESIDENCY

No. 436

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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

Act No. 70, 2008

PREVENTION OF AND TREATMENT FOR
SUBSTANCE ABUSE ACT, 2008

*(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:—

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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;
 - “**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