



LAWS OF MALAYSIA

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Act 283

DRUG DEPENDANTS (TREATMENT AND REHABILITATION) ACT 1983

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**DRUG DEPENDANTS (TREATMENT AND
REHABILITATION) ACT 1983**

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LAWS OF MALAYSIA**Act 283****DRUG DEPENDANTS (TREATMENT AND
REHABILITATION) ACT 1983**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title
2. Interpretation

PART II**TREATMENT AND REHABILITATION
OF DRUG DEPENDANTS UNDER
COURT ORDER**

3. Detention of suspected drug dependant for tests
4. Production before Magistrate where tests cannot be completed within twenty four hours
5. Obligation of suspected drug dependant to undergo tests procedures
6. Magistrate's order which may be made on a drug dependant
7. (*Deleted*)

PART III**TREATMENT AND REHABILITATION
OF DRUG DEPENDANTS WHO
VOLUNTEER FOR SAME**

8. Procedure for treatment and rehabilitation of drug dependant who volunteers for same

Section

9. Procedure for treatment and rehabilitation of drug dependant who is a minor and for whom assistance is sought

PART IV

CENTRES FOR TREATMENT AND REHABILITATION

10. Rehabilitation Centres
11. Board of Visitors
12. Shortening period of residence at Rehabilitation Centre
13. *(Deleted)*
14. *(Deleted)*
15. *(Deleted)*
16. Private centres for treatment and rehabilitation and for after care
17. Transfer between Centres

PART V

GENERAL

18. Compulsory notification of drug dependants
19. Lawful custody
20. Offences by residents of Rehabilitation Centres and After care Centres, and by supervisees
21. Period of any imprisonment or detention to be deemed to be period of residence, after care or supervision
22. Contribution for cost of maintenance, treatment and rehabilitation
23. Delegation by Director General
24. Jurisdiction
25. Protection of persons acting under authority of this Act
26. Activity which will assist treatment and rehabilitation
27. Separation of minors
28. Rules
29. Repeal
30. Transitional
31. Amendment of Dangerous Drugs Act 1952

LAWS OF MALAYSIA**Act 283****DRUG DEPENDANTS (TREATMENT AND
REHABILITATION) ACT 1983**

An Act to provide for the treatment and rehabilitation of drug dependants and for matters connected therewith.

[16 April 1983, P.U. (B) 190/1983]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and commencement**

1. This Act may be cited as the Drug Dependants (Treatment and Rehabilitation) Act 1983 and shall come into force on such date as may be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Board of Visitors” means the Board of Visitors appointed by the Minister under section 11;

“dangerous drug” means any drug or substance which is for the time being comprised in the First Schedule of the Dangerous Drugs Act 1952 [*Act 234*];

“Director General” means the Director General appointed under subsection (2);

“drug dependant” means a person who through the use of any dangerous drug undergoes a psychic and sometimes physical state which is characterized by behavioural and other responses including the compulsion to take the drug on a continuous or periodic basis in order to experience its psychic effect and to avoid the discomfort of its absence;

“Minister” means the Minister charged with the responsibility for internal security;

“officer” means any Rehabilitation Officer or any police officer;

“registered medical practitioner” means a medical practitioner registered under the Medical Act 1971 [*Act 50*];

“Rehabilitation Centre” means an institution established under section 10;

“Rehabilitation Officer” means an officer appointed under subsection (2);

“rules” means rules made by the Minister under this Act;

“tests” means all such acts or procedures as may be carried out for the purpose of determining whether a person is a drug dependant.

(2) The Minister shall appoint a public officer to be Director General who shall have, subject to the direction and control of the Minister, superintendence over all matters relating to the apprehension, treatment and rehabilitation of drug dependants under this Act and there shall be appointed such number of Rehabilitation Officers as may from time to time be required for the purposes of this Act.

PART II

TREATMENT AND REHABILITATION OF DRUG
DEPENDANTS UNDER COURT ORDER

Detention of suspected drug dependant for tests

3. (1) An officer may take into custody any person whom he reasonably suspects to be a drug dependant.

(2) A person taken into custody under subsection (1) may be detained for a period not exceeding twenty four hours at any appropriate place for the purpose of undergoing tests.

Production before Magistrate where tests cannot be completed within twenty four hours

4. (1) If the tests cannot be held or completed or the results of such tests cannot be obtained within twenty four hours from the time a person is taken into custody under subsection 3(1)—

(a) the person may be released on bail, with or without surety, by an officer to attend at the time and place mentioned in the bond; or

(b) the person may be produced by an officer before a Magistrate, and the Magistrate shall, if the officer reports to the Magistrate that it is necessary to detain him for the purpose of undergoing tests, order him to be so detained for such period not exceeding fourteen days to undergo tests or the Magistrate may release him on bail, with or without surety, to attend at such time and place as may be mentioned in the bond for the purpose of undergoing such tests, or where such person has already undergone tests but the result of such tests has not yet been obtained, the Magistrate may release him on bail, with or without surety, to appear at such place and time as may be mentioned in the bond to receive the result of the tests.

(2) Sections 390, 391, 392, 393 and 404 of the Criminal Procedure Code [Act 593] shall apply *mutatis mutandis* to a bail bond executed under this section in so far as they are not inconsistent with the provisions of this section, and references in the said sections to a police officer shall be construed as references to an officer under this Act.

Obligation of suspected drug dependant to undergo tests procedures

5. (1) For the purpose of tests under section 3 or 4, the person shall submit himself to all such acts or procedures as he may be required or directed to undergo by an officer, or by a government medical officer, or by a registered medical practitioner, or by any person working under the supervision of such officer, government medical officer or registered medical practitioner, as the case may be.

(2) Where any person fails to comply with any requirement or direction under subsection (1), he shall be guilty of an offence and shall, on conviction, be liable to be punished with imprisonment for a period not exceeding three months or with fine, or with both.

Magistrate's order which may be made on a drug dependant

6. (1) Where a person who has undergone the tests referred to in section 3 or 4 and, in consequence of such tests, is certified by a government medical officer or a registered medical practitioner to be a drug dependant, the officer shall produce him, or cause him to appear before a Magistrate, and the Magistrate shall upon the recommendation of a Rehabilitation Officer and after giving such person an opportunity to make representations—

- (a) order such person to undergo treatment and rehabilitation at a Rehabilitation Centre specified in the order for a period of two years and thereafter to undergo supervision by an officer at the place specified in the order for a period of two years; or

(b) order such person to undergo supervision by an officer at the place specified in the order for a period of not less than two and not more than three years.

(2) An order of supervision imposed on a person under paragraphs (1)(a) and (b) shall contain the following conditions:

(a) the person must reside in a State or Federal Territory or any area as specified in the order;

(b) the person must not leave the area where he resides without the written permission of the Director General;

(c) at the time specified in the order, the person shall report at the nearest police station or for a member of the armed forces at the place specified by an officer;

(d) the person shall not consume, use or possess any dangerous drugs;

(e) the person shall undergo such tests at such time and place as may be ordered by an officer; and

(f) the person shall undergo any programme for the rehabilitation of drug dependants held by the Government.

(3) Any person undergoing supervision under paragraph (1)(a) or (b) who fails to comply with any condition imposed under subsection (2) shall be guilty of an offence and shall on conviction be liable to be punished with imprisonment for a period not exceeding three years or to whipping not exceeding three strokes or to both.

7. (*Deleted by Act A1018*).

PART III

TREATMENT AND REHABILITATION OF DRUG
DEPENDANTS WHO VOLUNTEER FOR SAME**Procedure for treatment and rehabilitation of drug dependant
who volunteers for same**

8. (1) Any person who is a drug dependant may apply to a Rehabilitation Officer to be provided with treatment and rehabilitation in respect of his drug dependency.

(2) Where a person makes an application under subsection (1), the Rehabilitation Officer shall as soon as possible make arrangements for the applicant to undergo tests.

(3) Where in consequence of the tests under subsection (2), such person is certified by a government medical officer or a registered medical practitioner to be a drug dependant, the Rehabilitation Officer shall decide whether such person should—

- (a) undergo treatment and rehabilitation at a Rehabilitation Centre for a period of two years and thereafter undergo supervision by an officer for a period of two years; or
- (b) be placed under the supervision of a Rehabilitation Officer for a period of not less than two and not more than three years and be subject to such conditions as the Rehabilitation Officer may consider necessary or beneficial for his treatment and rehabilitation,

and shall inform the applicant of his decision.

**Procedure for treatment and rehabilitation of drug dependant
who is a minor and for whom assistance is sought**

9. (1) Any parent or guardian of a minor whom the parent or

guardian suspects or has reason to believe to be a drug dependant may apply to a Rehabilitation Officer for the minor to be treated and rehabilitated and produce such minor before such officer.

(2) Where a minor is produced before a Rehabilitation Officer under subsection (1), section 8 shall apply to him in the same manner as they apply to a person who applies for treatment and rehabilitation under that section.

PART IV

CENTRES FOR TREATMENT AND REHABILITATION

Rehabilitation Centres

10. The Minister may, by notification in the *Gazette*, establish Rehabilitation Centres for the residence, treatment and rehabilitation of drug dependants ordered or admitted to reside therein under this Act.

Board of Visitors

11. There shall be appointed by the Minister in respect of each Rehabilitation Centre a Board of Visitors, and such Board of Visitors—

- (a) shall exercise all powers, discharge all such duties and perform all such functions as may be provided in this Act or as may be prescribed in any rules;
- (b) shall advise and make recommendations to the Director General on all matters which the Director General may refer to it and on other matters pertaining to their duties and functions on which it may deem necessary or expedient to advise and make recommendations.

Shortening period of residence at Rehabilitation Centre

12. (1) The Director General may shorten the period of residence at any Rehabilitation Centre in respect of any person for reasons which appear to him to be sufficient if such person has already completed a period of twelve months of residence in such Centre.

(2) The Director General may, with the consent in writing of the Minister, discharge from a Rehabilitation Centre a person who has not yet completed a period of twelve months of residence at the Centre for special reasons pertaining to the welfare of such person.

13-15. (*Deleted by Act A1018*).

Private centres for treatment and rehabilitation and for after care

16. (1) The Minister may on the application of any individual person or of any organization, body or group of persons, grant approval for the establishment and operation of a private centre for the treatment and rehabilitation of drug dependants or for the after care of persons who have been drug dependants, upon such terms and conditions as the Minister may specify.

(2) The terms and conditions of any approval granted under subsection (1) may at any time be varied by the Minister and he may, without giving any notice or assigning any reason, revoke any approval granted under subsection (1), and any revocation so made may contain all such directions of an incidental or a consequential nature which the Minister may deem necessary, expedient or desirable.

(3) Notification of every approval of a centre under this section and every revocation of such approval shall be published in the *Gazette*.

(4) Any person who establishes or operates, or assists in the operation of any place for the treatment, rehabilitation, or after care

and supervision of persons who are or have been drug dependants shall be guilty of an offence and be liable on conviction to a fine or to imprisonment not exceeding five years or to both.

(5) Nothing contained in the foregoing provisions of this section shall be construed as in any manner affecting, prejudicing or derogating from the rights of a person lawfully providing medical treatment to any person in relation to any physical or mental condition arising from, or involving or relating to the drug dependency of such person.

Transfer between Centres

17. Any person who is resident at a Rehabilitation Centre may at any time be directed by the Director General to be transferred to reside at a different Rehabilitation Centre and where it is so directed the person shall be accordingly removed to such other Rehabilitation Centre.

PART V

GENERAL

Compulsory notification of drug dependants

18. (1) It shall be the duty of a registered medical practitioner, including a government medical officer, to notify the Director General of any person who is treated by him for drug dependency in accordance with rules made under this Act.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding* two thousand ringgit.

*NOTE—Previously “five hundred”—see the Drug Dependants (Treatment and Rehabilitation) (Amendment) Act 1998 [Act A1018].

Lawful custody

- 19.** (1) A person shall be in lawful custody—
- (a) where he is taken into custody by an officer under this Act;
 - (b) while he is resident at a Rehabilitation Centre under this Act;
 - (c) while he is being taken from or to any place, or while he is engaged in any activity under this Act outside a Rehabilitation Centre, during the period that he is under an order made under this Act to reside at a Rehabilitation Centre.
- (2) Subsection (1) shall not apply to a person who is admitted to a Rehabilitation Centre under section 8 or 9.
- (3) Any person who escapes from lawful custody as referred to in subsection (1) shall be guilty of an offence and shall, on conviction, be liable to *imprisonment for a term not exceeding five years or to whipping not exceeding three strokes, or to both.

Offences by residents of Rehabilitation Centres and After care Centres, and by supervisees

- 20.** (1) Where any person—
- (a) contravenes any term or condition lawfully imposed under this Act in relation to residence, treatment or rehabilitation at a Rehabilitation Centre; or
 - (b) commits a breach of any rules relating to a Rehabilitation Centre, where no specific punishment is provided in such

*NOTE—Previously “a fine or to imprisonment for a term not exceeding three years—see the Drug Dependents (Treatment and Rehabilitation) (Amendment) Act 1998 [Act A1018].

commits a breach of any rules relating to a Rehabilitation Centre, where no specific punishment is provided in such rules for such breach;

- (c) incites any resident of a Rehabilitation Centre to commit a breach of any rules relating to such Centre;
- (d) uses any indecent, threatening, abusive or insulting words or gestures, or otherwise behaves in a threatening or insulting manner, against any person exercising any powers, discharging any duties or performing any functions in relation to the custody, treatment, rehabilitation, residence or supervision of any person under this Act, or against any person resident at a Rehabilitation Centre or against any employee or servant employed or engaged at any Rehabilitation Centre, or against any person lawfully visiting a Rehabilitation Centre or otherwise lawfully present at a Rehabilitation Centre, or assaults any person, employee or servant, as aforesaid,

shall be guilty of an offence and shall on conviction be liable to a fine or to imprisonment for a term not exceeding three years or to both.

(2) Paragraphs (1)(a) and (b) shall not apply to a person who is admitted to a Rehabilitation Centre under section 8 or 9.

Period of any imprisonment or detention to be deemed to be period of residence, after care or supervision

21. (1) Where a person who is undergoing residence at a Rehabilitation Centre supervision by an officer or has been ordered to do so but has not yet commenced to undergo the same, is sentenced by any court to any term of imprisonment, or by a *Court for Children to a term of detention, or is detained under any

*NOTE—The original provision which used the word “Juvenile Court” is now construed as “Court for Children—see section 131 of the Child Act 2001 [Act 611]

law relating to preventive detention, such imprisonment or detention shall take precedence over the residence or supervision as aforesaid, and the period of imprisonment or detention served shall be deemed to be residence at a Rehabilitation Centre or supervision, as the case may be, and if upon completion of such period of imprisonment or detention there still remains unexpired any portion of the period for which he had been ordered to reside at a Rehabilitation Centre, or undergo supervision, as the case may be, he shall be required to reside at a Rehabilitation Centre or undergo supervision, as the case may be, for such unexpired portion thereof.

(2) The foregoing provisions of this section shall not apply to a person who is admitted to a Rehabilitation Centre under section 8 or 9.

Contribution for cost of maintenance, treatment and rehabilitation

22. (1) Where a Magistrate makes an order requiring any person to reside at a Rehabilitation Centre, he may, at the time of making such order, or at any time thereafter during the currency of such order make an order, requiring such person, or where such person is a minor, requiring his parent or guardian, to pay such amount as may be specified in the order to the Director General as contribution towards the cost of the maintenance, treatment and rehabilitation of such person at the Rehabilitation Centre.

(2) Before making an order under subsection (1), the Magistrate shall consider the report of a Rehabilitation Officer relating to the circumstances of the person against whom the order is proposed to be made (a copy of which report shall be supplied to such person) and give an opportunity to such person to make representations in the matter to the Magistrate.

(3) A Magistrate may, on the application of any person against whom an order under subsection (1) has been made, rescind, make anew or vary the order as the Magistrate deems just.

(4) Any amount due and owing under this section shall be a civil

debt due and owing to, and shall be recoverable by, the Government.

Delegation by Director General

23. The Director General may delegate in writing to any Rehabilitation Officer by name or office any power conferred on him under this Act.

Jurisdiction

24. (1) Notwithstanding any provision in the Subordinate Courts Act 1948 [Act 92] or the Criminal Procedure Code or any other written law to the contrary, any power or jurisdiction conferred on a Magistrate under sections 4, 6 and 22 of this Act over the matters specified therein, may be exercised by any Magistrate at any place whether such matters arose within or outside the local jurisdiction of the Magistrate or within or outside the local limits of his court.

(2) A Magistrate exercising power under sections 4, 6 or 22 may do so at any place, other than an open and public court, considered convenient for the purpose by the Magistrate, whether such place is within or outside the precincts of the court building.

Protection of persons acting under authority of this Act

25. Any person who does any act in pursuance of any of the provisions of this Act or of any subsidiary legislation made thereunder shall not be subject to any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, mistake of law or fact or on any other ground unless he has acted in bad faith or without reasonable care.

Activity which will assist treatment and rehabilitation

26. Any person undergoing treatment and rehabilitation in a

Rehabilitation Centre may be required to engage in any activity which, in the opinion of the person in charge of the Rehabilitation Centre, will assist in his treatment and rehabilitation, and such activity may involve employment in or outside the Rehabilitation Centre.

Separation of minors

27. Where a minor is held in custody, or is required to reside at a Rehabilitation Centre under any provision of this Act, or is being conveyed to or from any place while in such custody, or such residence, as the case may be, arrangements shall be made so that he is held in such custody, or so resides, or is so conveyed, in a manner which will ensure that he does not associate with and is segregated from an adult or adults who are being so held in custody, or are so residing, or are being so conveyed.

Rules

28. (1) The Minister may make rules for the further, better and more convenient carrying out of the provisions or purposes of this Act and in particular, but without derogating from the generality of the foregoing, with respect to any or all of the following matters:

- (a) to prescribe anything which is required to be prescribed under this Act;
- (b) to provide forms for use in connection with any matter under this Act;
- (c) to regulate the establishment, management and control of Rehabilitation Centres, and private rehabilitation centres, including provision for the powers, duties and functions of persons in charge of such centres or employed at such Rehabilitation Centres or private rehabilitation centres;
- (d) to provide for the discipline, education, vocational training and employment of persons undergoing treatment and

rehabilitation at such Rehabilitation Centres or private rehabilitation centres;

- (e) to provide for procedures relating to the tests to be carried out under this Act;
- (f) to provide for procedure relating to the treatment, rehabilitation and supervision of persons under this Act;
- (g) to provide for the composition, duties, functions and procedures of the Board of Visitors;
- (h) to provide for the form, and the provisions to be included in any bail bond executed under this Act;
- (i) to provide for the form, provisions, and the terms and conditions of any other bond required to be executed under this Act.

(2) The Minister may in such rules or by separate rules made under this Act provide that any contravention of the provisions of any rule shall be an offence and may provide for such offence to be punished with a fine not exceeding five hundred ringgit or imprisonment for a term not exceeding six months or both.

Repeal

29. The words “for matter relating to the treatment and rehabilitation of drug dependants,” appearing in the long title, the definitions of “Board of Visitors”, “detection centre”, “Director General”, “drug dependant”, “rehabilitation centre” and “rehabilitation committee” in section 2, and Part VA, of the Dangerous Drugs Act 1952 are repealed.

Transitional

30. Notwithstanding anything contained in section 29, where before the commencement of this Act—

- (a) any person has been taken into custody; or
- (b) has been or is being dealt with in any manner by any court, Magistrate, Social Welfare Officer, Board of Visitors, or any other officer or authority,

under Part VA of the Dangerous Drugs Act 1952, the provisions of that Act, including the said Part VA thereof, shall continue to apply in relation to such person, save that the references to officers and authorities under the said Part VA shall be construed as references to the corresponding officers and authorities established under this Act.

Amendment of Dangerous Drugs Act 1952

31. The Dangerous Drugs Act 1952 is amended by inserting immediately after section 38 new sections 38A and 38B as follows:

“Powers of Court in respect of drug dependants below the age of eighteen

38A. (1) Where any person below the age of eighteen years is found guilty of an offence against this Act other than in the case of an offence under section 6B or 39B or other than in a case where a person is found guilty of an offence against this Act for which the punishment shall be under section 39A, the Court shall consider a report of a Rehabilitation Officer as defined in the Drug Dependants (Treatment and Rehabilitation) Act 1983 [*Act 283*] and if the Court is satisfied that such person is a drug dependant as certified by a government medical officer and that having regard to the circumstances of the case and the character, antecedents, health or mental condition of the person charged it is inexpedient to inflict the punishment provided, the Court may, with or without recording a conviction—

- (a) release the offender and order him to reside at a Rehabilitation Centre for a period of two years to undergo treatment and rehabilitation, and immediately thereafter to undergo after-care in accordance with the provisions of the Drug Dependants (Treatment and Rehabilitation) Act 1983; or
- (b) order the offender to be placed under the supervision of a Rehabilitation Officer for a period of not less than two and not more than three years, and to execute a bond with or without sureties, as the Court may determine, to remain under such supervision for such period:

Provided that where such person fails to execute such bond, an order under paragraph (a) shall be made against him by the Court.

(2) Where an order under paragraph (1)(a) is made against an offender, it shall be deemed to be an order made by a Magistrate under paragraph 6(1)(a) of the Drug Dependants (Treatment and Rehabilitation) Act 1983, and where the order is made under paragraph (1)(b), it shall be deemed to be an order made by the Magistrate under paragraph 6(1)(b) of that Act, and the provisions of that Act shall apply accordingly in relation to such order.

Powers of Court in respect of person found guilty under section 15

38B. (1) Where a person is found guilty of an offence under section 15, he shall immediately after having undergone the punishment imposed upon him in respect thereof, undergo supervision by a Rehabilitation Officer as defined under subsection 2(2) of the Drug Dependants (Treatment and Rehabilitation) Act 1983 for a period of not less than two and not more than three years as may be determined by the Rehabilitation Officer.

(2) A person who is required to undergo supervision by a Rehabilitation Officer under subsection (1), shall be

deemed to have been placed under such supervision by virtue of an order made by a Magistrate under paragraph 6(1)(b) of the Drug Dependents (Treatment and Rehabilitation) Act 1983, and the provisions of that Act shall apply accordingly in relation to such supervision.”.

LAWS OF MALAYSIA**Act 283****DRUG DEPENDANTS (TREATMENT AND
REHABILITATION) ACT 1983**

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|--------------|---|---------------|
| Act A1018 | Drug Dependants (Treatment and Rehabilitation) (Amendment) Act 1998 | 01-09-1998 |

LAWS OF MALAYSIA**Act 283****DRUG DEPENDANTS (TREATMENT AND
REHABILITATION) ACT 1983**

LIST OF SECTION AMENDED

| Section | Amending authority | In force from |
|---------|--------------------|---------------|
| 2 | Act A1018 | 01-09-1998 |
| 4 | Act A1018 | 01-09-1998 |
| 6-10 | Act A1018 | 01-09-1998 |
| 12-15 | Act A1018 | 01-09-1998 |
| 18-22 | Act A1018 | 01-09-1998 |
| 24 | Act A1018 | 01-09-1998 |
| 26-28 | Act A1018 | 01-09-1998 |
