

# **A LAW TO MAKE PROVISIONS FOR PUBLIC HEALTH IN THE STATE AND FOR OTHER RELATED PURPOSES 2023**

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- “Enforcement Officers” means officers responsible for enforcing the provisions of this Law and includes a Medical Officer of Health, Environmental Health Officer, Veterinary Officer or any other State or Local Government Official with responsibility over any matter pertaining to public health;
- “Entertainment facilities” includes Cinemas, Concert Halls, Theatres, Video Houses, Night Clubs, Parks, Event Centres and other Halls or places of performance;
- “Environmental Health Officer” means an Officer responsible for enforcing provisions of this Law and other laws related to environmental health;
- “Factory” means any premises in or within which one or more persons are employed in any process for or incidental to any of the following purposes:
- (a) the making of any article or of part of any article; or
  - (b) the altering, repairing, ornamenting, finishing, cleaning or washing or the breaking up or of demolition of any article; or
  - (c) the adapting for sale of any article.
- “Indoor or enclosed” means a space covered by a roof or enclosed by two or more walls or partition regardless of the material used for the roof, walls, or partition and regardless of whether the structure is temporary or permanent;
- “Infectious disease” means any disease of an infectious or communicable nature and any other emerging and re-emerging diseases or any disease which the Commissioner may by notice declare to be an infectious disease within the meaning of this Law;
- “Isolation” means the separation of an infected person or affected goods from others in such a manner as to prevent the spread of an infectious disease;
- “Local Government Health Authority” means the body responsible for maintaining health in a Local Government Area;
- “Livestock” means animals raised for use or sale;
- “Manufacturing process” means any process for:
- (i) making, altering, repairing, ornamenting, finishing, packing, oiling washing, cleaning, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or
  - (ii) pumping oil, water, or sewage; or
  - (iii) generating, transforming, or transmitting power; or

(iv) printing by letterpress, lithography, photogravure, other similar work or book binding, which is carried on by way of trade or for purpose of gain, or which is incidental to another business so carried on; or

(v) constructing, reconstructing, repairing, refitting, finishing, or organizing the electric and electric materials.

"Medical Officer of Health" means a Medical Officer that provides expert advice on matters of Public Health importance;

"Ministry" means the Ministry responsible for health related matters in the State;

"Office and office buildings" includes public areas, corridors, lounges, eating areas, reception areas, elevators, escalators, foyers, staircases, restrooms, amenity areas, laundry room, individual offices, outbuildings such as sheds and huts and vehicles amongst others used in the course of work;

"Occupational disease" means any disease, illness or medical condition that an employee develops as a result of exposure to particular substance, working condition or employment requirement or any chronic health condition that was caused by a work place hazard;

"Occupier" means a person in occupation of a tenement in respect of which the word is used or of any part of such tenement, but does not include a lodger;

"Occupier of a factory" means the person who has ultimate control over a factory and its affairs;

"Owner" includes the person for the time being receiving the rent of the tenement in connection with which the word is used, whether on his own account or as agent or trustee for some other person, or who would receive the same if such tenement were let to a tenant, and the holder of a tenement direct from the State whether under lease, license or otherwise;

"Person" includes an individual, company, association or establishment;

"Personal Protective Equipment" or "PPE" means equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses;

"Premises" means and includes messuages, buildings, lands, tenements, hereditaments, vehicles, tents, vans, structures of any kind, drains, ditches, or places open, covered, or closed,

and rail, air or any ship or vessel in any port or on any inland water;

“Public” means for the use of all people;

“Public place” means an indoor or outdoor area, whether privately or publicly owned, to which the public have access by right or by invitation;

“Smoking” includes being in possession or control of a lit tobacco product, vaping shisha, regardless of whether the smoke is being actively inhaled or exhaled in a public place;

“State” means Kaduna State of Nigeria;

“State Medical Examiner” means a pathologist, medical practitioner or any person appointed by the Commissioner for a particular area in the State;

“Street” includes all roads, bridges, and pavements;

“Tenement” means any land with or without buildings which is held or occupied as a distinct or separate holding or tenancy or any wharf or pier in the waters of the State;

“Tobacco product” means a product entirely or partly made of tobacco leaf as raw material which has been treated or manufactured to be smoked, sucked, chewed, or sniffed or handled;

“Tobacco sponsorship” means any form of contribution to an event, activity or individual with the aim, effect, or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

“Veterinary Officer” means a Veterinary Officer that provides expert advice on animal health as it relates to Public Health;

“Waste” means refuse, rubbish, garbage, disused or abandoned material whether of vegetable, animal, solid, liquid or gaseous nature and includes radioactive waste;

“Workplace” means:

- (a) an area whether permanent or temporary in which a person performs a duty of employment or work regardless of whether the work is done for compensation or on voluntary basis; and
- (b) common areas or any other area generally used or frequented during the course of employment.



**PART II**  
**ADMINISTRATION OF THE LAW**

4. (1) It shall be the duty of the Commissioner to administer any or all the provisions of this Law and any or all the rules made under this Law in any area or place in the State. Application of the Law
- (2) The Commissioner may give to an enforcement officer or any other State or Local Government official, directives of a general or special nature relating to the execution of any or all the provisions of this Law and any or all the rules made under this Law, as it relates to their speciality.
- (3) The Commissioner shall collaborate with relevant bodies in carrying out the provisions of this Law.
- (4) The Commissioner shall ensure the implementation in the State of the National Policies related to Health.
5. The following shall be responsible for the enforcement of any or all the provisions of this Law in any area or place as it relates to their speciality: Enforcement officers
- (a) Medical Officer;
  - (b) Environmental Health Officer;
  - (c) Veterinary Officer; and
  - (d) any other State or Local Government official with responsibility over any matter pertaining to public health covered by the provisions of this Law.
6. It shall be the duty of every enforcement officer to: Duties of enforcement officers
- (a) inspect the area to which he is assigned and to abate nuisances and enforce the powers vested in him by this Law; and
  - (b) collaborate with relevant bodies pertaining to the implementation of this Law and other Laws which may have implications on public health.

7. Every member of the community shall be responsible for the preservation of public health in relation to their community and shall:
- Role of the community
- (a) mobilise residents to comply with the provisions of this Law and any other public health related legislation;
  - (b) report cases of outbreak of diseases and violation of any provision of this Law to relevant enforcement officers; and
  - (c) arrest and hand over to Law enforcement agencies any person violating the provisions of this Law.

### **PART III NUISANCES**

8. The following shall be deemed to be nuisances:
- Statutory nuisances
- (a) any sound emanating from vehicles, sound systems or machinery that is excessively noisy and constitutes a health hazard, distraction or is physically harmful;
  - (b) any smoke emanating from vehicles, machinery or any other device that is hazardous or injurious to health;
  - (c) any premises in such a condition as to be injurious to health;
  - (d) any premises which is so dark or so ill-ventilated or so damp or in such a condition of dilapidation, as to be dangerous or prejudicial to the health of the persons living or employed therein;
  - (e) any premises which contain rat holes or rat runs or other similar holes or which are infested with rats or in which the ventilating openings are not protected by gratings in such manner as to exclude rats therefrom;
  - (f) any pool, ditch, gutter, watercourse, sewage tank, drain, ashpit, refuse pit, latrine, dustbin, washing place, well, water tank, barrel, sink, collection of sullage water, receptacle containing stagnant water, or other things in such a state or

condition as to be injurious to health;

- (g) any animal or bird so kept as to be injurious to human health or molesting to neighbours and any animal or bird suffering from a noxious or contagious disease;
- (h) any hole or excavation, well, pond or quarry which is or is likely to become dangerous to the public;
- (i) any stable, cow house, pigsty or other premises for the use of animals or birds which are in such a condition as to be injurious to the human health or of such animals or birds;
- (j) any noxious matter or water flowing or discharged from any premises into any public street or into any gutter or side channel of any street;
- (k) any accumulation or deposit of rubbish of any kind whatsoever, or any decaying animal or vegetable matter, whether in the form of refuse, manure, decayed or tainted food, or in any form whatsoever;
- (l) any growth of weeds, cactus, long grass, reeds, or wild bush of any kind which may be injurious to health and any vegetable that of itself is dangerous to children or others, either by its effluvia or through eating its leaves, seeds, fruits, or flowers;
- (m) any premises certified by the enforcement officer to be so over-crowded as to be injurious or dangerous to the health of the inmates;
- (n) any premises on which workers are employed without suitable and adequate sanitary conveniences;
- (o) any plant or tree which is considered favourable to the breeding of mosquitoes as may be specified by the Commissioner in a Gazette; and
- (p) any act, omission, place or thing which is or may be dangerous to life, or injurious to human health or property.

9. (1) An enforcement officer, if satisfied of the existence of a nuisance shall serve an abatement notice on any:

- (a) person or organization by whose act or omission the nuisance arose or continues; or
- (b) occupier or owner of the premises or any officer of the company on which the nuisance arose.

(2) The person served with a notice under subsection (1) shall abate the nuisance within forty-eight (48) hours or such longer period as may be stated in the notice and to execute such works and do other things as may be specified by the enforcement officer as being necessary.

(3) The enforcement officer may also by the same or another notice served on such person, occupier or owner require him to do what is necessary for preventing the reoccurrence of the nuisance and if he thinks it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance may for the time being have been abated if the enforcement officer consider that it is likely to reoccur on the same premises.

(4) Where the nuisance arose from any want or defect of a structural character, or where the premises are unoccupied, the notice shall be served on the owner and where the owner cannot be found the notice shall be pasted on a conspicuous part of the premises.

(5) Where a notice has been served on any person under this section and either:

- (a) the nuisance arose from the wilful act or omission of such person; or
- (b) such person fails to comply with any of the requirements of the notice within the time specified, the person commits an offence and is liable on conviction to a fine of not less than One Hundred Thousand Naira (₦100,000.00) for every such nuisance or to any non-custodial sentence, and if a

corporate body, to a fine of not less than Five Hundred Thousand Naira (₦500,000.00).

10. (1) If either:

Interim and  
nuisance order

- (a) the person (including the occupier or owner) on whom an abatement notice has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or
- (b) the nuisance, although abated since the service of notice is in the opinion of the enforcement officer likely to reoccur on the same premises,

the enforcement officer shall make a complaint to the Magistrate Court and the Court after hearing the complaint may make such Interim Order as deem fit.

(2) A nuisance order may be an abatement order, a prohibition order, a closing order or a combination of such orders.

(3) An abatement order may require a person to comply with any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in such order.

(4) A prohibition order may prohibit the reoccurrence of a nuisance.

(5) An abatement order or prohibition order shall, if the person on whom the order is made so requires or the Court considers it desirable, specify the work to be executed by such person for the purpose of abating or preventing the reoccurrence of the nuisance.

(6) A closing order may prohibit any premises from being used for human habitation.

(7) A closing order will only be made where it is proved to the satisfaction of the Court that by reason of a nuisance the premises are unfit for human habitation and if such proof is given, the Court will make a closing order and may impose a fine of not less than One Hundred Thousand Naira (₦100,000.00) or any non-custodial sentence.

(8) The Court when satisfied that the premises have been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order.

(9) If a person fails to comply with the provisions of a nuisance order, unless he satisfies the Court that he has used all due diligence to carry out such order, he shall be liable on conviction to a fine of not less than five thousand naira (₦5,000.00) every day or any non-custodial sentence during his default period.

(10) If a person knowingly and wilfully acts contrary to a prohibition or closing order, he shall be liable on conviction to a fine of not less than ten thousand naira (₦10,000.00) every day during such contrary action; moreover, the enforcement officer may enter the premises to which a nuisance order relates, and abate or remove the nuisance, and do whatever may be necessary in the execution of such order.

11. (1) If an order of the Court or notice of the enforcement officer for the abatement of a nuisance by the occupier or owner is not complied with because the occupier or owner cannot be found or because the occupier or owner is imprisoned, the enforcement officer may apply to the Court for an order to have the nuisance abated and all costs and expenses incurred in connection therewith shall be paid to the Government treasury by the occupier or owner and may be recovered as a debt.

Power to sell premises

(2) If no owner or occupier can be found or if the expenses are not paid within six months after the completion of the abatement of such nuisance, the Court may order the premises upon which the work have been done or any part thereof or any movable property found thereon belonging to such occupier or owner to be sold to defray the said costs and expenses.

(3) The rules of Court relating to sales in execution of order or Judgement shall apply to such sale.

12. (1) It shall be Lawful for the enforcement officer to:

Right of entry

(a) enter any premises at any time between the hours of six in the morning and six in the evening for the purpose of examining as to the existence thereon of any nuisance or until a nuisance found to exist has been abated or the works ordered to be done are completed or the closing order is cancelled as the case may be;

(b) when a nuisance order has not been complied with or has been infringed to enter premises at all reasonable hours for the purpose of securing the execution of the order.

(c) If the admission to premises is refused, the Court may require the person having the custody of the premises to admit the enforcement officer into the premises during the prescribed hours, and if no person having the custody of the premises is found, the Court may authorize the enforcement officer to forcibly enter into such premises.

(2) Any such order shall continue in force until the work for which the entry was necessary has been done.

(3) An enforcement officer may apply for an *ex-parte* order of a Court to enter any premises anytime outside the stipulated hours in subsection 1(a).

(4) Any person who refuses to obey such order, hinders or obstructs the execution of the order commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira (N100,000.00) or a term of imprisonment of not less than six (6) months or any non-custodial sentence.

13. Any person who:

(a) assaults or obstructs any enforcement officer or any other duly authorized person acting in the execution of his duty under this Law; or

(b) fails to furnish any information required from him in accordance with the provisions of this Law; or

(c) knowingly furnishes false information,

Assaulting or obstructing an enforcement officer or withholding information

shall be guilty of an offence and be liable on summary conviction before a Magistrate, to a fine of not less than one hundred thousand naira (₦100,000.00) or any non-custodial sentence.

14. (1) All reasonable costs and expenses incurred in serving the notice, making a complaint, obtaining an order or in carrying the order into effect shall be paid by the person on whom the order is made. Cost of execution relating to nuisance
- (2) Where no order is made, but the nuisance is proved to have existed when a notice was served or the complaint was made, then the person by whose act, default or sufferance the nuisance was caused shall be liable to pay all reasonable cost in serving the notice and making the complaint
- (3) In the case of nuisances caused by the act or default of the owner of the premises, such cost and expenses may be recovered from any person who is for the time being in occupation of such premises.
15. Any person who by any act or omission causes water to remain stagnant in any open receptacle, storage, container, drainage or refuse creating a breeding ground for malaria vectors, cholera or other water-related diseases will be required to disperse same, failing which the person commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira (₦100,000.00) and a further sum of five thousand naira (₦5,000.00) for every day during which the offence is continued or any non-custodial sentence. Stagnant water
16. (1) Every owner or occupier of any tenement shall provide drainages, clear and keep free from all undergrowth weeds, filth, rubbish, refuse of any description from the streets at the front, back or either side of such tenement with the drains, gutters or channels on such streets. Open street

Provided that when there shall be two tenements contiguous to any street, drain, gutter or channel and facing each other, the owner or occupier of each such tenement shall be responsible for keeping



clean only half of the street and the drain, gutter or channel nearest to his tenement.

(2) Every owner or occupier who fails to comply with the provisions of this section shall for each offence be liable on conviction to a fine of not less than one hundred thousand naira (₦100,000.00) or any non-custodial sentence.

17. (1) Any person who throws or lay on any street or tenement, whether occupied or not, or on any open space (except at such places as may be set apart by the proper authority for such purpose) any rubbish or any offensive or unwholesome matter, or commits any nuisance in any street or in any open space or in any place being an appurtenance of or adjoining a dwelling-house, shall for each offence, in addition to any liability for damage at the suit of any person aggrieved, be liable on conviction to a fine of not less than one hundred thousand naira (₦100,000.00) or any non-custodial sentence.

Penalty for certain offences

(2) Any person found committing any offence under this section may be taken into custody without warrant by any police officer, enforcement officer or person whom he may call to his aid or by the owner or occupier of the property on or with respect to which the offence is committed or by any person authorized by him and may be detained until he can be delivered into the custody of a police officer.

Provided that a person arrested under this section shall not be detained by any police officer or other person longer than is necessary before bringing him before the Court.

18. (1) A Local Government Health Authority shall whenever necessary establish a Vector Control Team for the purpose of the control of vectors of public health importance in an area.

Vector control

(2) The team may:

- (a) enter any premises between the hours of six (6) in the morning and six (6) in the evening for the purposes of vector control; and
- (b) take immediate steps or order the owner of the

premises to take the necessary action to destroy vectors or insects of public health importance found on the premises and render the habitat permanently unfit for the breeding of the vectors.

19. (1) The occupier or owner of any premises shall keep such premises free from all water receptacles like bottles (whole or broken, whether fixed on walls or not), tins, boxes, calabashes, earthenware vessels, used tires, shells or any other articles which are kept so that they are likely to retain water and become breeding places for mosquitoes and other vectors. Water receptacles
- (2) Any occupier or owner of any premises who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine of not less than ten thousand naira (₦10,000.00) or non- custodial sentence.
20. (1) It shall not be lawful for any person to keep or for the occupier or owner of any premises to allow to be kept thereon any collection of water in any well, barrel, tub, bucket, tank or other vessel intended for the storage of water, unless such well, barrel, tub, bucket, tank or other vessel is fitted with a sufficient cover and is properly protected or screened to the satisfaction of the enforcement officer so as to prevent the ingress of mosquitoes into the same. Wells and other water receptacles
- (2) Any person that offends the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine of not less than ten thousand naira (₦10,000), and after notice received from the enforcement officer to a further fine of not less than five thousand naira (₦5,000) for each day during which he makes default.
21. The occupier or owner of any premises upon or attached to which is any sewage tank shall cause such sewage tank to be properly protected or screened to the satisfaction of the enforcement officer so as to prevent the ingress of mosquitoes into same, and in default he shall be guilty of an offence and liable on conviction to a fine of not less than five thousand naira (₦5,000) and to a further fine of Sewage tank to be screened

not less than five thousand naira (₦5,000) for each day during which he continues to make such default after notice received from the enforcement officer to comply with the provisions of this section.

22. (1) Where any of the immature stages of the mosquito are found on any premises in any collection of water in any Sewage tank, well, pool, channel, barrel, tub, bucket, tank or any other vessel, or in any bottle, tin, box, calabash, shell or any other article, it shall be lawful for the enforcement officer or any person specially authorized in writing in that behalf by the enforcement officer to take immediate steps to destroy any such immature stages of the mosquito by the application of oil or larvicide or otherwise and to take such action as is necessary to prevent the reoccurrence of the nuisance and to render any pools or collections of water unfit to become breeding places for mosquitoes.

Mosquitoes,  
larvae, etc.

(2) Notwithstanding any provision of this Law, the occupier or owner of any house or premises or the owner or person having the charge of any vessel, timber, cask or other article, in or about which there is any collection of water found by the enforcement officer for the purpose to contain any of the immature stages of the mosquito shall be guilty of an offence and liable on conviction in respect of each and every such collection of water to a fine of not less than twenty thousand naira (₦20,000) or in default to a non-custodial sentence.

#### **PART IV**

#### **COMMUNICABLE DISEASES**

23. (1) The Commissioner may by notice in a Gazette, declare any disease to be a notifiable disease under this Law.

Notifiable diseases

(2) Notwithstanding the provisions of subsection (1) or any other Law, diseases such as Lassa fever, Cholera, Cerebro-spinal meningitis, Measles, Monkey pox, Dengue, Acute flaccid paralysis/poliomyelitis, Dracunculiasis (Guinea Worm Disease), Leprosy, Lymphatic filariasis, Neonatal tetanus, Noma, Buruli ulcer, Onchocerciasis, Pertussis, Diphtheria, Dog bites (Rabies), Trachoma, Yaws and endemic syphilis or *bejel*, Rubella, Maternal deaths,

Perinatal deaths, Covid-19, Malaria, Typhoid fevers, Acute viral hepatitis, Non-neonatal tetanus, Human Immunodeficiency Virus/ Acquired Immuno Deficiency Syndrome (HIV/AIDS), Soil transmitted Helminths, Schistosomiasis, Trypanosomiasis, Diarrhoea, Snake bite, Ebola, Anthrax, Chikungunya, Plague, Zika virus, Yellow fever, Severe Acute Respiratory Syndrome (SARS), Smallpox, Middle East Respiratory Syndrome (MERS), Tuberculosis, any public health event of international or national concern (infectious, zoonotic, foodborne, chemical, radio nuclear, or due to unknown condition) and unexplained cluster of illness/death from human or animal/bird are notifiable diseases.

(3) When an occupant of any premises, house, place of worship, school, shop or any other building or structure is suspected of suffering from an infectious disease, the family member, the person caring for the patient, the occupier or owner of the building or place must give notice within 24 hours orally and in writing to the Medical Officer of Health or any Health Officer designated for that purpose.

(4) Every health practitioner consulting or caring for any patient suffering from an infectious disease must give notice within 24 hours orally and in writing to the Medical Officer of Health or any Health Officer designated for that purpose.

(5) A person who fails to give the notice within 24 hours in subsection (3) of this Section commits an offence and is liable on conviction to a fine of not more than five hundred thousand naira (₦500,000) or any non-custodial sentence. In the case of a Health practitioner or health institution, the penalty shall not be more than one million naira (₦1,000,000).

Provided that if a person is not liable to give notice in the first instance but only in default of some other person, he shall not be liable to a penalty if he satisfies the Court that he had reasonable cause to suppose that the notice had been duly given.

24. (1) Whenever an infectious disease shall have broken out in any place, the Commissioner may by public notice declare such place or any portion thereof to be an infected area and may in like manner order the evacuation of the whole or any part of such infected area.

Declaration of  
infected area and  
order for  
evacuation

(2) It shall not be lawful for any person to reside or carry on business within any infected area or portion thereof which is comprised in an order for evacuation or to enter or be therein, except when passing or by an order in writing to that effect signed by the Commissioner.

(3) The penalty for a first offender shall be a fine of not less than one hundred thousand naira (₦100,000) or to a term of imprisonment of not less than three months and for subsequent offences, a fine of not less than two hundred thousand naira (₦200,000) or to a term of imprisonment of not less than six months or to both.

25. Any person licensed to carry on business in any infected area comprised in an order for evacuation, shall be entitled to a transfer of the licence to premises situated outside the infected area where no higher licence fee is payable unless the Commissioner shall order a refund of the whole or any portion of the fee paid for the license.

Licenses in area ordered to be evacuated.

26. (1) An enforcement officer or any other authorised health officer may place or cause to be placed, on a house, structure or at an area where a case of a communicable disease has occurred, whether in an infected area or not, a marking, denoting the occurrence of the disease as prescribed by regulations.

Marking of premises where infectious disease has occurred

(2) The mark shall be kept affixed for a period that the enforcement officer or any other authorized health officer considers necessary.

(3) A person who unlawfully removes or obliterates the mark commits an offence and is liable on summary conviction to a fine of not less than one hundred thousand naira (₦100,000) or to a term of imprisonment of not less than six months or to both.

27. (1) An enforcement officer may cause any person suffering or reasonably suspected to be suffering from an infectious disease to be removed and detained at a hospital or such other place provided by the State until the person can be safely discharged to the public.

Removal and detention of infected persons and suspects

(2) A person under quarantine or in isolation in accordance with subsection (1) of this Section who escapes from the place of confinement commits an offence and is liable on conviction to a fine of not less than two hundred and fifty thousand naira (₦250,000) or to a term of imprisonment of not less than one (1) year and ten thousand naira (₦10,000) in continuance of the offence daily.

(3) Any person mentioned in subsection (2) of this Section who causes another person to be infected, commits an offence and is liable on conviction to a fine of not less than one million naira (₦1,000,000) or to a term of imprisonment of not less than one year.

(4) Any person who aids, counsels or facilitates the escape of any person under quarantine or in isolation in accordance with subsection (1) of this Section commits an offence and is liable on conviction to a fine of not less than two hundred and fifty thousand naira (₦250,000) or to a term of imprisonment of not less than one (1) year.

(5) Where another person is infected by the person assisted to escape, the person who aided, counselled or facilitated the escape commits an offence and is liable on conviction to a fine of not less than one million naira (₦1,000,000) or to a term of imprisonment of not less than one (1) year.

28. (1) Any person certified after examination and inquiry to have contracted an infectious or communicable disease may be compelled by a Court Order to receive any available medical treatment necessary to prevent transmission of the disease to any other person.

Compulsory  
medical treatment

(2) Any person certified after examination and inquiry to have contracted an infectious or communicable disease who refuses to receive medical treatment after being duly served with a Court Order to that effect is liable on conviction to a fine of not less than one hundred thousand naira (₦100,000).

29. An enforcement officer may order any person living in the same premises, compound or who has been in contact with any person suffering or suspected to be suffering from an infectious or communicable disease to be quarantine in such place as the Government may provide until the person can be safely discharged, and every person authorized by the medical officer of health to carry out such order may use such force as is necessary to ensure compliance to such order.

Quarantine of contacts

Provided that contacts that may not need quarantine like Sexually Transmitted Infections (STIs), the enforcement officer or other designated health worker may subject such person to compulsory screening.

30. Whenever there is an outbreak of infectious or communicable disease, the Commissioner or his designate may obtain blood samples, tissues and any other relevant samples from any person reasonably suspected to have contracted the disease for the purpose of conducting investigation and research to manage the outbreak of the disease.

Obtaining blood samples, tissues and other relevant samples

31. An enforcement officer may order the disinfection of any building in which any case or suspected case of infectious disease has occurred and of any article or thing in such building.

Power to order fumigation, sanitization, and disinfection of any premises.

32. Any person who while suffering from an infectious disease or overseeing any person so suffering, does any act or thing which tends to spread the disease shall be liable on conviction to a fine of not less than two hundred and fifty thousand naira (₦250,000) or to a term of imprisonment of not less than one year.

Acts tending to the spread of disease

33. Any person who gives, lends, sells, transmits or exposes without previous disinfection any bedding, clothing or other article which has been exposed to infection shall be liable on conviction to a fine of not less than three hundred thousand naira (₦300,000) or to a term of imprisonment of not less than one year.

Letting infected premises

34. (1) Every enforcement officer, police officer or any authorized officer may apprehend and take any person suffering from any

Apprehension of persons suffering from infectious

infectious disease who refuses testing and or treatment whom the officer finds in any premises, home, street, public place, shop or public transportation to a hospital. diseases

(2) A person who, while suffering from any infectious disease, enters any home, street, public place, shop or public transportation without previously notifying the person in charge commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira (₦100,000) or to any non-custodial sentence and in addition, may be ordered to pay to the owner, the amount of any expense such owner incurred in disinfecting the premises or means of transportation.

35. A person in charge/owner of any public means of transportation will to the satisfaction of the enforcement officer immediately provide for the disinfection of such public transportation after knowingly conveying a person suffering from any infectious disease and in default commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira (₦100,000) or to any non-custodial sentence: Disinfection of public means of transportation

Provided that where the person in charge/owner of such public transportation is unable in the opinion of the enforcement officer to adequately disinfect such transportation, it may be disinfected by the enforcement officer at the expense of the person in charge.

36. (1) The Commissioner may order the destruction of any building in which a case of infectious disease has occurred or of any article or thing which may be considered necessary in the interest of the public health. Power to order destruction of house, building, etc

(2) Any order made under subsection (1) shall be carried out in such manner and by such person as the Commissioner may direct.

37. (1) A veterinary officer or an enforcement officer may order the destruction of an animal whether or not the animal is in an infected area, if the officer is satisfied that the animal is likely to be an agent in the transmission of a communicable disease. Destruction of animals



(2) A veterinary officer or an enforcement officer may dispose of the carcass of an animal destroyed in the manner specified by the officer.

38. The owner of any building, article or thing destroyed under an order made in pursuance of section 36 and the owner of any food animal killed under an order made in pursuance to section 37 may be entitled to compensation as may be prescribed by the Governor. Entitlement to compensation
39. Where an enforcement officer suspects that a person or an animal has died of a communicable disease, whether in an infected area or not, the enforcement officer shall order that the body of the deceased person or carcass be conveyed to a specified place for an examination by a medical officer, veterinary officer or the authorised health officers. Power to order post-mortem examination
40. (1) The Commissioner may order cremation where there is a likelihood of an epidemic outbreak as a result of the death of a person or animal with an infectious or communicable disease. Burials, cremations and disposals of bodies  
(2) Any corpse or carcass identified as having an infectious or communicable disease shall not be transported outside the State without due authorization from the Commissioner.  
(3) A residential premise shall not be used as a mortuary or embalment centre.  
(4) Notwithstanding any provision contained in any other Law, burials in any residential premises or any other location other than any public burial ground is prohibited.  
(5) Any person who contravenes or fails to comply with any of the provisions of this section commits an offence and is liable on conviction to a fine of not less than two hundred and fifty thousand naira (N250,000) or to any non-custodial sentence or both.
41. (1) A public vaccinator shall vaccinate persons or animals who present themselves or are presented for the purpose or persons who are or become liable to be vaccinated. Public vaccination  
(2) Every parent, legal guardian or person having the care and custody of a child under the age of five years shall ensure that the child is provided with full immunization.  
(3) Every parent, legal guardian or person having the care of a

child who fails in the duty imposed on him under subsections (1) and (2) of this section commits an offence and is liable on conviction for:

- (a) a first offence, to a fine of not less than five thousand naira; (~~₦~~5,000) and
- (b) a second or any subsequent offence, whether in respect of that child or any other child, to imprisonment for a term of not less than two (2) months or both.

(4) The Court may make, in substitution for or in addition to any penalty stipulated under subsection (3) of this section, an order compelling the parent or legal guardian of a child to get the child immunized.

## **PART V NON-COMMUNICABLE DISEASES**

42. (1) The Commissioner shall educate the public on non-communicable diseases and provide facilities for screening, early detection and management of non-communicable diseases and for the promotion of public health.

Non-communicable diseases

(2) The Commissioner shall take measures to prevent and control non-communicable diseases by:

- (a) working in partnership with all relevant stakeholders to reduce the incidence and mortality from non-communicable diseases;
- (b) introducing evidence-based behavioural interventions to reduce the acquisition, and increase health literacy amongst the population to reduce the main modifiable risk factors for non-communicable diseases;
- (c) developing multi-sectoral public policies that create sustainable health-promoting environments that enable individuals, families and communities to make healthy

- choices and lead healthy lives;
- (d) developing and implementing policies, strategies, plans and evidence-based guidelines at state-wide, local government and community levels in and across government departments to prevent and control non-communicable diseases through preventive, health-promoting, curative, rehabilitative and palliative services;
- (e) increasing prevention, screening and control programmes for non-communicable diseases;
- (f) establishing comprehensive surveillance mechanisms, health information systems and dissemination processes to assist policy, planning and management of prevention and control;
- (g) developing, encouraging and supporting research and innovation in non-communicable diseases to improve understanding of the burden, determinants, causes and consequences;
- (h) prevention, screening and control of non-communicable diseases in all age groups;
- (i) increasing public awareness of the early signs and symptoms of non-communicable diseases to promote timely health-seeking behaviour;
- (j) developing and strengthening human capacity for chronic disease research and monitoring; and
- (k) increasing human resources to detect, manage, prevent and control non-communicable diseases.

(3) The Commissioner may by order declare any disease or condition to be a non-communicable disease or condition of public health importance.

43. (1) A person shall not smoke tobacco or a tobacco product or hold a lit tobacco product in an enclosed or indoor area of a workplace or in any other public place except in a designated area.

Prohibition of smoking in public places

(2) For the purpose of this Part, a workplace and a public place include:

- (a) offices and office buildings;

- (b) factories, health and educational institutions;
- (c) premises in which children are cared for;
- (d) a means of transportation used for commercial, public or professional purposes by more than one person;
- (e) public transportation terminals;
- (f) wholesale and retail establishments including shopping malls and markets;
- (g) entertainment facilities and facilities rented out for events;
- (h) stadia and other sports arenas whether fully enclosed or not and any enclosed recreational facility;
- (i) bars, restaurants and pools whether open or enclosed;
- (j) places of collective use;
- (k) a facility that employs personnel whether paid or not; and
- (l) any other facilities accessible to the public.

(3) A person who is in control of or responsible for a public place or workplace shall:

- (a) post signs at that workplace that clearly indicate that the establishment is a non-smoking area;
- (b) not display an ashtray in that public place or workplace;
- (c) discontinue service to a customer who is smoking in that place;
- (d) ask a customer or employee who smokes in that place to stop smoking or leave that place immediately;
- (e) issue warnings or take other appropriate disciplinary action against an employee who smokes in that place; and
- (f) arrest or cause to be arrested any person who refuses to stop smoking and refuses to leave that place.

(4) The appropriate authority shall post signs at a workplace or a public place to clearly indicate that the place is a non-smoking area.

(5) A person shall not obstruct a person who is in control of or responsible for a public place or workplace in the discharge of his duties under this Part.

44. (1) A person shall not initiate or engage in any form of tobacco sponsorship within the State.

Tobacco  
sponsorship

(2) In furtherance of subsection (1) a person concerned with tobacco or a tobacco product shall not:

(a) organize or promote an organized activity in the State,

(b) make a financial contribution to an organized activity in the State or make a financial contribution to a person in respect of:

(i) the organization or promotion of an organized activity in the State by that person, or

(ii) the participation by that person in an organized activity in the country.

(3) For the purpose of subsection (2) "organized activity" includes the use of the name of a tobacco product, trademark, brand logo, brand name or company name on a tobacco product or in relation to an activity.

45. (1) A person shall not:

Age restrictions  
for sale of tobacco

(a) sell or offer for sale tobacco or a tobacco product to a child;

(b) send a child to sell or buy tobacco or a tobacco product;

(c) request a child to light tobacco or a tobacco product; and

(d) expose a child to tobacco or a tobacco product.

(2) Where a person who sells or offers for sale tobacco or a tobacco product is in doubt about the age of a purchaser of tobacco or tobacco product, that person shall demand a valid identification document from the purchaser as a proof of age and shall not sell to the purchaser unless the document offers adequate evidence of age.

(3) A valid identification document includes:

- (a) international passport;
- (b) a national identity card/ resident registration card; and
- (c) any other documentation that may be prescribed by the Commissioner.

46. (1) The Commissioner shall:

Public education  
against tobacco  
use

- (a) ensure that the Ministry embarks on public education on the effects of tobacco use;
- (b) ensure that each health facility has a unit or department that provides education against smoking;
- (c) in collaboration with the Commissioners responsible for Education, Social Development, Sports and other related agencies incorporate educating programmes against smoking.

(2) The Commissioner responsible for Education shall incorporate education on tobacco in the school health programs and other relevant programs to provide formal education on the dangers of smoking to discourage the youth from tobacco use.

47. (1) The Commissioner shall ensure that every public health facility has a place for the treatment of persons addicted to tobacco who wish to quit tobacco use.

Treatment of  
tobacco addiction

(2) The treatment of addiction may include the use of a non-tobacco product packaged as a tobacco or tobacco product.

48. (1) Notwithstanding any provision in this Part, a person shall not sell or offer for sale tobacco or a tobacco product in:

Prohibition of sale  
of tobacco  
products in  
certain places

- (a) health institutions including a hospital, pharmacy or health clinic;
- (b) educational institutions;
- (c) amusement parks, a cinema and stadium; and

(d) other places that may be prescribed by regulations issued pursuant to this or any other laws.

(2) A person shall not sell or offer for sale a tobacco product through a vending machine or a self-service mechanism.

(3) A person shall not sell or offer for sale a tobacco product through the post, the internet or any other medium of communication.

49. (1) An enforcement officer may at reasonable hours enter and inspect a place where:

Inspection of places where tobacco is sold

(a) a tobacco or a tobacco product is labelled or sold;

(b) there are reasonable grounds to believe that the provisions of this Part is not being complied with; and

(c) if the enforcement officer reasonably believes that a person has not complied with a provision in this Part after giving written notice to that person, owner or person in possession of the tobacco product or any other person on the premises where the tobacco product is found.

(2) An enforcement officer may seize or cause to be seized tobacco or a tobacco product or any other thing where the enforcement officer believes on reasonable grounds that a provision of this Part has been contravened during inspection.

50. The Ministry shall collaborate with the relevant Ministries, Departments and Agencies (MDAs) to check the illicit sale of tobacco and tobacco products.

Collaboration with relevant bodies

51. (1) A person who contravenes any provision of this Part commits an offence and is liable on summary conviction to:

Penalties for offences under this part

(a) a fine of not less than one hundred thousand Naira (₦100,000) or to non-custodial sentence or to both.

(b) in the case of a continuing offence a further fine of ten thousand naira (₦10,000) for each day during which the

offence continues.

(2) Where an offence under this Part is committed by a body of persons or an organization:

(a) in the case of a body Corporate other than a partnership, each director or secretary of that body is liable; and

(b) in the case of a partnership, each partner is liable.

52. (1) A person shall not:

(a) sell, offer to sell, give or supply alcohol to a child; or

(b) send a child to purchase, give and supply or sell alcohol.

(2) Any person who violates any of the provisions of subsection (1) commits an offence and is liable on conviction:

(a) in the case of an individual to a fine of not less than one hundred thousand naira (~~₦~~100,000) and a further sum of five thousand naira (~~₦~~5,000) for every day during which the offence is continued or to any non-custodial sentence; and

(b) in the case of a Corporate body, to a fine of not less than five hundred thousand naira (~~₦~~500,000).

Restrictions on  
Sale of Alcohol to  
Children

## **PART VI**

### **OCCUPATIONAL HEALTH AND SAFETY**

53. An enforcement officer may enter any place which he has reason to believe is used as a factory for the purpose of executing the provisions of this part.

Inspection of  
factories for  
occupational  
health and safety

54. (1) Where in any factory, workers are employed in any process involving excessive exposure to wet or to injurious or offensive substance, suitable Personal Protective Equipment (PPE) shall be provided and maintained for the use of such workers.

Protective clothing  
and appliances

(2) Where in any factory electrical welding is carried on, effective provisions shall be made by screening or otherwise to prevent



persons employed (other than persons employed in the welding process) from being exposed to the electrical flash.

55. (1) No room in a factory shall be overcrowded to such an extent as to be injurious to the health of the workers employed therein. Overcrowding

(2) Notwithstanding anything contained in sub-section (1) the amount of cubic meter allowed for every person employed in a room shall not be less than 14 cubic meters.

Provided that no space more than 14 feet above the floor shall be taken into account for the purpose of calculating the cubic meter.

56. (1) In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting (natural or artificial). Proper Lighting

(2) All possible measures shall be taken for the effective prevention of:

(a) glare hurtful to the eyes, either directly from a source of light or by reflection from a smooth and polished surface; and

(b) darkness to such an extent as to cause eyestrain or the risk of accident to any worker.

57. (1) In every factory the occupier of the factory shall provide and maintain a first-aid box or a cupboard equipped with the prescribed contents in suitable place as may be directed by the enforcement officer so as to be readily accessible during all working hours. First appliances      aid

(2) Nothing but the prescribed contents shall be kept in the first-aid boxes or cupboards referred to in sub-section (1) and all such first-aid boxes and cupboard shall be kept in the charge of a responsible officer who has been trained in first-aid treatment and who shall always be available during working hours.

(3) In every factory wherein more than two hundred and fifty

workers are employed, there shall be provided and maintained a first-aid room or clinic of the prescribed dimension containing the prescribed equipment and shall be kept under the supervision of such medical officer and nursing staff as may be prescribed.

58. (1) Where any accident occurs in a factory which either:

Notification of occupational accidents

(a) causes loss of life to a person employed in that factory; or

(b) disables any such person for more than three days from performing the duties for which he was employed, written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Ministry by the occupier of the factory.

(2) Where any accident-causing disablement is notified under this section and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the enforcement officer by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be liable to an offence.

(4) Any employer or occupier of a factory who fails to report an accident under this section shall be liable on conviction to a fine of not less than one hundred thousand naira (₦100,000).

59. Where injury or death occur as a result of any accident in a factory the dependents of the injured or deceased shall be entitled to such compensation in accordance with the provisions of the Employees Compensation Act.

Compensation as a result of any accident

60. The occupier of any factory who believes, suspects or has reasonable grounds for believing or suspecting that a case of occupational disease has occurred in the factory, shall immediately send a written notice of such case in the prescribed form and accompanied by the prescribed particulars to the Ministry.

Notification of industrial disease

**PART VII**  
**FOOD SAFETY**

61. The Ministry shall in relation to the enforcement of this Law:

Food control

- (a) take the lead in coordinating and harmonizing food control activities in all stages of food production, manufacture and distribution;
- (b) consult widely with all sectors of the food chain in carrying out activities under paragraph (a) of this section;
- (c) promote consumer education regarding food safety; and
- (d) carry out any other matters in connection with or reasonably incidental to the foregoing.

62. (1) No person shall sell or deposit in any place for the purpose of sale or preparation for sale any agricultural produce, livestock, carcasses, meat, poultry, game, fish, vegetables, corn, bread, flour or other provisions that is diseased, unwholesome and unfit for human consumption.

Inspection of food  
exposed for sale

(2) The enforcement officer may, at all reasonable hours inspect any agricultural produce, livestock, carcasses, meat, poultry, game, fish, vegetables, corn, bread, flour or other provisions exposed for sale or deposited in any place for the purpose of sale or preparation for sale and intended for human consumption.

(3) If any such article appears to the enforcement officer to be diseased or unwholesome or unfit for human consumption, the enforcement officer may condemn the same and order it to be destroyed or disposed of as to prevent it from being used.

(4) Any person that contravenes the provisions of subsection (1) of this section shall be liable on conviction to a fine of not less than ten thousand naira (₦10,000) for every article condemned

and for any subsequent conviction to a fine of not less than twenty thousand naira (~~₦~~20,000) for every article condemned or to any non-custodial sentence.

63. (1) The sale of live animals by the roadside or in traffic is hereby prohibited.

Restriction on  
venue of sale of  
live animals

(2) Any person found selling any live animal by the roadside or in traffic commits an offence and is liable on conviction to a fine of not less than fifty thousand naira (~~₦~~50,000) or to a non-custodial sentence.

64. (1) An enforcement officer may apply to the Court for a warrant to enter any building in which there is reason to believe that any animal, carcass, meat, poultry, game, fish, vegetables, corn, bread, flour or other provisions intended for sale to persons as food which are diseased, unwholesome or unfit for consumption is kept, and to search for, seize and carry away any such animal or other article for destruction.

Right of entry and  
penalty for  
obstructing officer  
with search  
warrant

(2) Any person who obstructs any enforcement officer in the performance of the duty under the search warrant commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira (~~₦~~100,000) or to any non-custodial sentence and a further sum of five thousand naira (~~₦~~5,000) for every day during which the offence is continued or to any non-custodial sentence.

65. (1) A person or Corporate body who intends to operate a food establishment shall apply for and obtain a license from the relevant Ministry, Department or Agency (MDA) in charge of the food area and the license shall be renewable annually.

Licensing and  
inspection

(2) An enforcement officer is empowered to take samples of food of any kind and water meant for human/animal consumption for microbial, chemical and physical examination.

(3) The Ministry may charge fees to cover the cost of carrying out inspection or laboratory investigations in respect of the registration of the food establishment.

(4) There shall be general standards set by the relevant Ministry for operating food establishments.

(5) Any person that contravenes any of the provisions of this section is liable on conviction to a fine of not less than fifty thousand naira (₦50,000) or to a term of imprisonment of not less than one month.

(6) Any corporate body that contravenes the provisions of this section is liable on conviction to a fine of not less than two hundred and fifty thousand naira (₦250,000).

66. (1) Every food handler or any other person involved in handling food for human consumption shall be medically examined biannually and issued a Medical Certificate of Fitness signed by a Medical Officer from Government approved hospitals.

Medical fitness of  
food handler

(2) Any food handler in any food establishment without food handler medical certificate shall be directed by health officer to stop working until such certificate is produced

(3) A food handler suffering from an infectious disease or open wound shall cease to handle food for human consumption until certified fit to function in that capacity by a Medical Officer.

67. (1) All food establishments whose preparation, handling, processing, packaging, dispensing and storage is complex/major in nature shall be subjected to Hazard Analysis and Critical Control Point (HACCP) for risk-based inspection.

Inspection of  
complex/major  
food  
establishments

(2) Such establishments shall have all the requirements necessary for application of Hazard Analysis and Critical Control Point (HACCP) Principles.

(3) The enforcement officer shall ensure that such establishments use HACCP in their operations.

(4) It shall be the duty of such organizations to provide HACCP certification and food safety audit reports biannually as an evidence of food safety standard and such certificates/ reports shall serve as requirement for annual renewal of license.

68. All food establishments responsible for preparation, handling, processing, dispensing and storage of food intended for human consumption shall inform the relevant health authority of any food contamination due to chemicals, microbiological, physical matters, expired food items and mycotoxins through adequate documentation of food incidents and responses. Food traceability and alert:
69. (1) An employer or occupier shall not allow a person who works in direct contact with food in food processing and handling operations and who: Reporting of certain diseases
- (a) suffers from a septic sore, diarrhea, chronic cough, hepatitis or septic sore throat;
  - (b) suffers from or is a carrier of salmonella, dysentery or staphylococcal infection liable to cause food borne diseases; or
  - (c) suffers from any other infectious or contagious disease,
- to handle food and shall require the person to take the necessary measures including seeking medical attention and reporting the matter to the employer or occupier.
- (2) The employer or occupier shall arrange for the employee who suffers from the condition specified in subsection (1) to be:
- (a) attended to by a medical practitioner; and
  - (b) keep a record related to that incidence.
- (3) The employer shall without delay notify the Ministry of the actions taken under this section.
- (4) Any person that contravenes any provision of this section shall on conviction be liable to a fine of not less than fifty thousand naira (₦50,000) for the first offence and a fine of not less than twenty thousand naira (₦20,000) daily for subsequent offence.
70. Any person who: Polluting water
- (a) pollutes any water sources; or
  - (b) allows or causes any foul liquid or gas or other noxious or injurious substance or matter to be discharged into any water source or any facility of any State owned or private water facility,

commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand naira (₦500,000) or to a term of imprisonment of not less than one year or to both such fine and imprisonment and to a further penalty of ten thousand naira (₦10,000) for each day that the act or omission that constitute the offence continues.

71. Any person who by any act or omission causes water to remain stagnant in any open receptacle, storage, container, drainage or refuse, creating a breeding ground for malaria vectors, cholera or other water-related diseases will be required to disperse same, failing which the person commits an offence and is liable on conviction to a fine of not less than fifty thousand naira (₦50,000) and a further sum of five thousand naira (₦5,000) for every day during which the offence is continued or any non-custodial sentence.
- Stagnant water

### **PART VIII COMPENSATION BOARD**

72. (1) The Governor shall appoint a Compensation Board which shall consist of five persons.
- Appointment of  
Compensation  
Board
- (2) The Compensation Board shall comprise of a:
- (a) public officer of the rank of a Permanent Secretary who shall be the Chairman;
  - (b) real estate valuer;
  - (c) legal practitioner;
  - (d) person who is not a public officer; and
  - (e) any other person on the recommendation of the Commissioner.

Provided that for animal compensation the real estate valuer shall be substituted with a veterinary officer.

- (3) The Board shall:
- (a) assess property destroyed;
  - (b) evaluate claims for compensation; and
  - (c) make recommendations for payment of compensation to the Governor through the Commissioner.

(4) The Board shall sit quarterly or as it deems expedient for the proper discharge of its functions.

73. The Governor may:

- (a) define the limits of the jurisdiction of the Board;
- (b) appoint another member in case any person appointed has become unable to act or dies; and
- (c) every appointment made under this part shall be published in the State Gazette.

Powers of the Governor in relation to the Compensation Board

74. All claims for compensation under this Law or any rules made there under shall be heard and determined by the Compensation Board.

Claims for compensation

75. (1) The Compensation Board shall have the powers of the High Court to:

Powers of the Compensation Board

- (a) summon witnesses;
- (b) call for the production of books, plans or documents; and
- (c) examine witnesses and parties on oath.

(2) All persons summoned to attend and give evidence or to produce books, plans or documents shall be:

- (a) bound to obey the summonses served upon them as fully in all respects as if the summonses had been issued by the High Court;
- (b) be entitled to like expenses as if they have been summoned to attend such Court on a criminal trial, if the same shall be allowed by the Board.

Provided that the Board may disallow the whole or any part of such expenses in any case if they think fit.

76. The members of the Compensation Board shall be entitled to such remuneration as may be determined by the Governor.

Remuneration of members of the Compensation Board



**PART IX**  
**MISCELLANEOUS PROVISIONS**

77. (1) The Attorney-General, private individuals, groups or communities may file a civil action on behalf of the public or any class of citizens for any loss or injury suffered and for compensation arising from violations of the provisions of this Law. Power to institute action
- (2) The Attorney-General may apply to the Magistrates' Court or High Court for a closing, prohibition or abatement order or any other order as may be deemed necessary against any person or Corporation to prevent violation or enforce compliance with the provisions of this Law.
- (3) The Attorney-General may bring an action to recover any sum of money incurred by the State or any Local Government to remedy any violation of the provisions of this Law from any person or Corporation responsible for creating or causing the violations.
78. (1) If the occupier of any premises prevents the owner from obeying any order made under the provisions of this Law, the Court on complaint and on proof of such prevention may by order require such occupier to permit the execution of any works which appear to the Court necessary for the purpose of obeying such provision; Obstruction of owner by occupier
- (2) If such occupier fails to comply within twenty-four (24) hours after service of the order, the occupier commits an offence and is liable on conviction to:
- (a) in the case of an individual, a fine of not less than five thousand naira (N5,000.00) for every day during the continuance of such non-compliance or to any non-custodial sentence;
- (b) in the case of a Corporate body, a fine of not less than twenty thousand naira (N20,000.00) for every day during the continuance of such non-compliance.
79. Any person who wilfully hinders, prevents or obstructs any enforcement officer or other person in the execution of his duty Obstruction of an Enforcement officer

under this Law commits an offence and is liable on conviction to:

(a) in the case of an individual, a fine of not less than two hundred and fifty thousand naira (₦250,000.00) or to any non-custodial sentence; and

(b) in the case of a Corporate body to a fine of not less than of one million naira (₦1,000,000).

80. For any contravention of the provisions of this Law or any Regulation made under this Law for which no other penalty is provided, the offender commits an offence and is liable on conviction to: General penalties

(a) in the case of an individual a fine of not less than five thousand naira (₦5,000) or to any non-custodial sentence; and

(b) in a case of a Corporate body to a fine of not less than one hundred thousand naira (₦100,000).

81. (1) All penalties, fines, costs and expenses, the recovery of which is not otherwise provided for, will be recoverable on summary trial. Recovery penalties of

(2) Penalties, fines, costs and expenses imposed by or recoverable under any byelaw made by a Local Government Council under this Law may, as against persons be subject to the jurisdiction of a Magistrate Court.

82. (1) A notice, order or document required or authorized by this Law to be served on the owner or occupier of any premises will be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such premises without further description, and be deemed to be properly served if it is delivered to some adult person on the premises or if there is no such person on the premises, to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises. Service of notices

(2) A notice, order or document required or authorized by this Law to be served on any person (including an owner or occupier) may be served:

(a) by delivering the same to such person;

(b) by delivering the same at the usual or last known place of abode of such person or to some adult member of the family or an employee.

83. (1) The occupier of any premises must, if required by any enforcement officer or any police officer, give the name and address of the owner of the premises if known.

Occupier to give information

(2) Any occupier declining to give or wilfully misstating the name or address either of the occupier or of the owner or occupiers will be liable to a fine of not less than twenty-five thousand naira (₦25,000.00) or to any non-custodial sentence.

84. Every enforcement officer shall have the full co-operation and assistance of a police officer or any other Law enforcement officer while performing their duties under this Law.

Enforcement officers to have assistance of Police Officers

85. (1) Where any nuisance or offence under this Law appears to be wholly or partially caused or contributed to by the acts or omissions of two (2) or more persons (including an owner or occupier), any order may be served on all of such persons and proceedings may be instituted against all of such persons.

Joinder of parties

(2) An order made under subsection (1) of this section may:

(a) direct such person or persons to abate such nuisance;

(b) prohibit such person or persons from continuing any acts or omissions which the Court finds to have contributed to such nuisance; or

(c) fine such person or persons,

notwithstanding that the acts or omissions of anyone or such persons would not separately have caused a nuisance and the costs

may be distributed as may appear fair and reasonable to the Court.

86. (1) A person who intends to bring a civil action against the State for damages or compensation in respect of any measure taken or to be taken under this Law to prevent the spread of any infectious disease shall give a month's written notice of intention to commence the action on the Attorney-General.

Pre-action notice  
on civil  
proceedings

(2) Such notice must state the cause of action, the name and place of abode of the intending claimant and the relief sought.

87. An enforcement officer or other person shall not be liable to any action, liability or demand on account of anything done by such officer in good faith for the purpose of executing this Law.

Protection of  
enforcement  
officers

88. (1) The Commissioner may make regulations with regard to:
- (a) isolating all persons suffering or suspected to be suffering from infectious diseases;
  - (b) the removal of persons from an infected area(s) in which the Commissioner has ordered evacuation;
  - (c) establishing a cordon around any place where an infectious disease has occurred or otherwise preventing persons departing from or going to any such place;
  - (d) inspecting and granting permits to persons travelling from a place where an infectious disease has occurred and for disinfecting their clothes and personal effects;
  - (e) closing, destroying, disinfecting, cleaning or otherwise rendering harmless, houses, buildings, latrines, wells, dustbins, dumping grounds and any place that by reason of the existence of infectious disease may be deemed advisable to so deal with;
  - (f) prescribing the reporting of cases of sickness and

Powers of the  
Commissioner to  
make regulations.

death;

- (g) erection of temporary huts, mortuaries and similar buildings;
- (h) prescribing the acts or things, done under any rule, in respect of which compensation may be paid;
- (i) prescribing a list of ingredients that are hazardous to human consumption;
- (j) ventilation of public and private buildings;
- (k) prevention of overcrowding in premises or rooms either in respect of human beings or animals, including the designation of an enforcement officer to fix the maximum number of human beings or animals which may occupy any particular premises or room within laid down guidelines;
- (l) preventing in any place where an infectious disease exists, the holding of public meetings, the performance of funerals or other native customs likely to tend to the dissemination of such infectious disease;
- (m) destruction of rats, mice and other kinds of vermin, and of fleas, bugs, or any other such parasites as may be deemed advisable to destroy;
- (n) the methods to be adopted in disinfecting places which have been occupied by any animal suffering from a contagious or infectious disease;
- (o) prohibiting or regulating the making of burrow pits or excavations;
- (p) regulating the sale, preparation, storing and exposure for sale of food;
- (q) preventing the sale, preparation, manufacture, conveying or exposure for sale of food which is unwholesome or diseased;

- (r) prohibition of burials in residential premises or any other location other than any public burial grounds including siting and maintenance of burial grounds;
- (s) prescribing the mode of burial or disposal of the bodies of persons dying from an infectious disease;
- (t) the enforcement of any of the provisions of this Law relating to infectious diseases;
- (u) prescribing the duties of any person employed in connection with any of the purposes of this Law; and
- (v) prohibiting, regulating or prescribing such matters or things as may be deemed necessary or advisable in the interest of public health and generally for carrying out and giving effect to the objects and purposes of this Law.

(2) No regulation made by the Commissioner under this Law shall come into operation until it has been approved by the State Executive Council.

89. Nothing in this Law shall affect the validity of any action taken, which was hitherto valid under the provisions of a Law repealed by this Law and such action shall remain valid as though taken under this Law. Savings

90. The following Laws are hereby repealed: Repeals

- (a) the Public Health Law Cap. 125, Laws of Kaduna State 1991;
- (b) Sleeping Sickness Law Cap. 143, Laws of Kaduna State 1991;
- (c) Venereal Disease Law, Cap. 159 Laws of Kaduna State 1991; and
- (d) Yellow Fever and Infectious Diseases (Immunisation) Law Cap. 164, Laws of Kaduna State 1991.

**DATED AT KADUNA** this.....day of.....2023

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**SENATOR UBA SANI**

Governor of Kaduna State

**EXPLANATORY NOTE**

(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to protect people from threats to health, prevent diseases and strive for a healthy population in the State.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.

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**RT. HON. YUSUF IBRAHIM ZAILANI**  
(Speaker)

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**SAKINATU HASSAN IDRIS Esq.**  
(Clerk to the Legislature)