

## UGANDA ALCOHOL POLICY ALLIANCE (UAPA)

**Address:** Rm.C10 Basiima House, Bombo Road, Kavule, Kampala  
P. O. Box 35995 Kampala  
**Email:** info@uapa.or.ug  
**Website:** www.uapa.or.ug



04<sup>th</sup> December. 2023

Hon. Committee Members,  
All Protocols Observed.

Dear Ladies and Gentlemen,

### **RE: CIVIL SOCIETY SUBMISSION ON THE ALCOHOLIC DRINKS CONTROL BILL**

Since inception in 2009, Uganda Alcohol Policy Alliance (UAPA) has actively collaborated with various government and stakeholders, including Parliamentarians, the Ministry of Health, Uganda Cancer Institute, the Ministry of Education and Sports, the Ministry of Trade, Industry and Cooperatives, the Ministry of Internal Affairs, Makerere School of Public Health, the Uganda Non Communicable Disease Alliance (UNCDA) and the Addiction Prevention Rehabilitation Association of Uganda (APRAU), among others. Together, we have been working tirelessly to promote policies that ensure the enforcement of regulations on alcohol manufacturing, distribution, advertising, and consumption in our country.

In the Bill we strongly support the;

- Time limits on availability
- Alcohol ban on sale to persons for public transport.
- Online retail ban
- Health warning labels (products)
- Health warning labels (places)

As Civil Society, we hereby confirm that the Alcoholic Drinks Control Bill is a good tool for regulating alcohol production, distribution, and consumption in Uganda. Hence propose a new narrative (purpose and aim) to be for prevention, protection and promotion (PPP); i.e;

- i. prevention of alcohol-related harm to minors, below 21 years,
- ii. protecting the Ugandan population from the health, social and economic harms that alcohol is causing and thus reduce the disease burden of alcohol and

- iii. promote national development through comprehensive and evidence-based alcohol policy measures.

However, the Bill in its current form is limited as it omits some very important aspects that we will unveil.

We propose the THAT clause of the Bill be adjusted, and amended as follows (see amended copy attached):

- a) To rephrase the policy and principles of the bill to read;

**‘The object of the Bill is to “*regulate the manufacture, importation, sale, consumption and marketing of alcoholic drinks; to protect the young people by prohibiting the sale of alcoholic drinks to persons below 21 years of age; to amend the ... and to improve population health and the country's development through comprehensively addressing the health, social, and economic harms caused by alcohol*” . ‘**

- b) To amend the last part of clause 2 of Uganda’s statistics as follows (i) substitute ‘harmful use of alcohol’ for ‘harm due to alcohol’, (ii) Alcohol consumption has been found to be associated with increased risk of overall mortality...’ NOT DECREASED, (iii) Scientific evidence also shows that alcohol is a serious risk factor for infectious diseases, such as tuberculosis, HIV/ AIDS, and COVID-19 (WHO, 2020). Alcohol also causes a high burden of second-hand harm, such as and road traffic crashes disproportionately affecting children and women, for example through fueling violence against women. Another major dimension of alcohol harm is loss of productivity and economic growth, thus there is need to comprehensively regulate the manufacture, distribution, sale, marketing, and consumption of alcohol, especially to protect children and to promote health and development for all Ugandans.
- c) ‘To amend the minimum age mentioned in PART V under PROVISIONS OF THE BILL and in the whole bill to be ‘age of twenty-one years. It has been scientifically proven that the executive functions of the brain have not yet developed for any person at eighteen years, thus affecting their level of decision making and judgement. We also have precedent of other laws like the tobacco control law passed by Parliament that consider age twenty-one.
- d) To amend section 3 OF REMEDIES PROPOSED IN THE BILL) clause (a) to include marketing of alcoholic drinks.
- e) Also amend clause (e) to read milliliters not millimeters.

To amend clause 17 (1) for a complete ban outdoor Advertising, sponsorship, promotion ban and to delete clause (2) because; currently, marketing for most non-alcoholic products does not follow the regulations for marketing of alcoholic, all adverts for alcoholic products are associated to people having a good time and socializing. In the long run, people link an alcohol brand with having a good time. Also, the hours for TV and Radio advertising should be restricted to adults only viewing time i.e. outside children programming time, i.e. between 10 pm and 5.00Am, to protect vulnerable

populations, i.e. young viewers, and the children. Open advertising targets underage viewers, also it is indiscriminate, so we need to protect the underage and the vulnerable.

- a) Hence, we strongly advocate a ban on all outdoor alcohol sponsorship, including advertising be enacted in all athletic and other events where the participants are primarily under the age of 21. This would include all college and university sports.
- b) To define 'domestic liquor' and 'alcohol for industrial use' clearly because we have a concern on their implication and application, people might take advantage of them at the end of the day.
- c) To adjust clause 23 on Prohibition of sale or consumption of alcoholic drinks in public service vehicle

(1) A person shall not sell or consume an alcoholic drink in a public service vehicle. **By adding prohibition sales to passengers in a public water transport vessel**

- d) To adjust clause 24 by adding on 'a law enforcement officer on duty'.
- e) Amending clause 30 on 'online sale of alcoholic drinks' by re-phrasing it to 'Prohibition of selling by vending machines, electronic means to read; 30. **Prohibition of selling by vending machines, electronic means.**

- i) A person shall not sell alcoholic drinks
  - a) through an automated vending machine.
  - (b) by delivery, mail order or via the internet, telecommunication or any other means through which the age of the person cannot be ascertained, **HAVE VERIFICATION OF AGE**
  - c) by any other means in which the purchaser and seller are not in the same location; or
  - d) by any other means as may be prescribed by the Minister by statutory instrument.

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or  
(ii) A person who contravenes this section commits an offence and shall be liable on conviction fine not less than five currency points, or imprisonment for a term not less than twelve months, both.

- f) To amend the numbering of PART VI (miscellaneous) to be for 'PROTECTION OF ALCOHOL CONTROL POLICIES FROM COMMERCIAL AND OTHER VESTED INTERESTS OF THE ALCOHOL INDUSTRY, AND ESTABLISHMENT OF THE DISTRICT COMMITTEE

34. Duty of Government

shall (i) In the implementation of this Act and any public health policy related to alcohol control, it be the duty of Government to:

other (a) Protect the public against the influence of and interference by the commercial and vested interests of the alcohol industry; and

(b) Ensure that there is transparency in the interactions of Government with the alcohol industry.

(ii) The records and documents related to the interactions, communications and contacts held between the Government and the alcohol industry shall be transparent, and open to the public.

35. Government interaction with the alcohol industry

(i) A person, body or entity that contributes to or may contribute to the formulation, implementation, administration, enforcement or monitoring of public health policies on alcohol control shall not interact with the alcohol industry except where it is strictly necessary for the effective regulation of the alcohol industry or alcoholic products.

(ii) The interactions in subsection (1) shall be transparent

36. Prohibition of Government partnerships and endorsement of the alcohol industry

(i) A person, body or entity that contributes to or may contribute to the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall not participate in, support, endorse or accept:

perceived (a) A partnership of any kind with the alcohol industry, including initiatives or activities of the alcohol industry described, characterized, implied, or likely to be as socially responsible;

understanding, (b) Any non-binding or non-enforceable agreement, memorandum of voluntary arrangement, or alcohol industry code of conduct in the place of legally enforceable alcohol control measures.

(c) direct or indirect financial or resource contribution or involvement in any manner in any initiative, campaign or program directly or indirectly related to alcohol control or public health, including but not limited to, youth access and education programs, public education campaigns, and other initiatives; or

(d) Proposals, drafts or offers of assistance with the development or implementation of any alcohol control policies.

37. Prohibition of voluntary contributions

A person, body or entity that contributes to or may contribute to the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall not solicit or accept contributions from the alcohol industry.

38. Prohibition of incentives and privileges to the alcohol industry

A person, body or entity that contributes to or may contribute to the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall not-

- i. Provide any incentive, benefits, privileges or preferential tax exemptions to the alcohol industry,
- ii. Invest in the alcohol industry or related ventures,
- iii. Establish or operate an alcohol manufacturing, advertising and distribution, trade, export or import business, or
- iv. Give any incentive or offer a privilege related to any phase of the production or marketing of alcohol products or brewing of alcohol.

39. Penalty for contravention of section 34 (Duty of government).

A person who contravenes section 34 commits an offence and is liable on conviction to:

- i) Cancellation of the partnership, endorsement, memorandum of understanding or any other agreement to which he or she is part;
- ii) Forfeiture of the contribution from the alcohol industry; or
- iii) Revocation of the incentive, benefit, privilege, or preferential tax exemptions if any.
- iv) Forfeits his membership on the body controlling or monitoring alcohol policies.

40. **Prevention and Management of conflict of interest**

(i) A person who contributes to, or may contribute to, the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall not engage in any occupational activity that may create a conflict of interest.

(ii) Conflict of interest shall be taken to arise when a person referred to in subsection (i)- deals with a matter in which he or she has interest and where he or she is in a position to influence the matter, directly or indirectly in the course of his or her duty;

(a) By virtue of the official position the person holds, the services he or she offers to another person or private body, another are in conflict with his or her official duties; or

(b) Solicits or gets a bribe to influence his or her actions.

(iii) A person shall not be assigned a position to contribute to or where the person is likely to contribute to the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control activities if that person has engaged in any occupational activity with the alcohol industry within less than three years of the proposed assignment.

(iv) A person who contributes to or may contribute to, the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall not engage in any occupation activity with the alcohol industry within a period of three years of leaving Government service and the person shall be bound by the confidentiality clause with respect to any matter involving alcohol control policy or program development or implementation as prescribed by the Minister or by statutory instrument.

(v) A person who was previously engaged in any occupational activity with the alcohol industry, who seeks employment in a body, private or public, that contributes to, or is likely to contribute to

the formulation, implementation, administration, enforcement or monitoring of public health policies on alcohol control shall disclose the nature and extent of his or her duties during the period when he or she was engaged in any occupation activity with the alcohol industry.

(vi) A person who contributes to or may contribute to the formulation, implementation, administration, enforcement or monitoring of all policies on alcohol control shall, by written notice, within seven days of accepting to engage in any occupational activity with the alcohol industry, disclose his or her intention to the Alcohol Control Committee.

(vii) A person who contravenes this section commits an offence and shall be liable on conviction to a fine of not less than two hundred forty currency points or imprisonment for a term not less than five years, or both.

(viii) In addition to the penalty prescribed in subsection (7), the court may, having regard to the loss suffered by the Government or public body, order a person to pay by way of compensation to Government or public body such sum as in the court's opinion is just.

(ix) The order issued under subsection (8) shall be deemed to be a decree under section xx of the Civil Procedure Act and shall be executed in the manner provided under section xx of the Civil Procedure Act.

#### 41. Establishment of the District Committee

(i) There shall be, for every district, a committee to be known as the District Alcohol Control Committee which shall—

(a) issue licenses in accordance with this Bill; and

(b) perform such other functions as may, from time to time be allocated to it by the Minister.

(ii) The District Committee may, in the discharge of its functions under this Bill, make inspection or other visits to premises at such times as it may deem appropriate.

(iii) The District Committee shall consist of—

(a) the District Health Officer who shall be the Secretary;

(b) the Chief Administrative officer, who shall be the Chairperson;

(c) the District Police Commander;

(d) the District Councilor in charge of health.

(e) three residents of the district, appointed by the District Chairperson at least two of whom shall be women.

(f) The District Health Educator

(g) The District Commercial officer

(iv) The authorized officers in charge of the district appointed pursuant to section 50 shall attend the meetings of the District Committee in an ex officio capacity.

(v) The conduct of business and affairs of the District Committee shall be in such manner as may be prescribed by the regulation.

(vi) The DHO's office shall provide secretariat services for the District Committee.

(vii) For ALL alcohol control committees at National and Sub-national levels, there will be representation from civil society organizations in the country ( like it is on the tobacco control committee).