



Cabinet Legislation Committee

Minute of Decision

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Misuse of Drugs (Classification and Presumption of Supply) Order 2022 and Misuse of Drugs (Fentanyl and Tramadol) Amendment Regulations 2022

Portfolio Health

On 17 February 2022, the Cabinet Legislation Committee:

- 1 **noted** that on 12 May 2021, the Cabinet Social Wellbeing Committee (SWC) agreed:
 - 1.1 to classify or reclassify 49 substances as controlled drugs under the Misuse of Drugs Act 1975;
 - 1.2 to set quantities for some substances at and above which it is presumed they are for supply;
 - 1.3 to make three amendments in stand-alone regulations amending the Misuse of Drugs Regulations 1977 to ensure legitimate therapeutic access to tramadol and fentanyl is not hampered by their classification and reclassification, respectively;

[SWC-21-MIN-0062]
- 2 **noted** that the Misuse of Drugs (Classification and Presumption of Supply) Order 2022 will give effect to the decisions referred to in paragraph 1.1 and 1.2 above;
- 3 **noted** that the Misuse of Drugs (Fentanyl and Tramadol) Amendment Regulations 2022 will give effect to the decisions referred to in paragraph 1.3 above;
- 4 **authorised** the submission to the Executive Council of the:
 - 4.1 Misuse of Drugs (Fentanyl and Tramadol) Amendment Regulations 2022 [PCO 23972/2.0];
 - 4.2 Misuse of Drugs (Classification and Presumption of Supply) Order 2022 [PCO 23968/3.0];
- 5 **noted** that the Misuse of Drugs (Classification and Presumption of Supply) Order 2022 will come into force by a Commencement Order following approval by resolution by the House of Representatives;
- 6 **noted** that the Misuse of Drugs (Fentanyl and Tramadol) Amendment Regulations 2022 will come into force when the Misuse of Drugs (Classification and Presumption of Supply) Order 2022 is brought into force by Commencement Order;

- 7 **noted** that under sections 4B(1)(a) and (3) of the Misuse of Drugs Act 1975 the Minister of Health is required to consult with and consider advice given by the Expert Advisory Committee, and have regard to all matters set out in sections 4B(2) and (4) of the Misuse of Drugs Act 1975 before recommending the making of an Order in Council under sections 4(1) and 4(1B) of the Misuse of Drugs Act 1975;
- 8 **noted** the Minister of Health's advice that these requirements have been met.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Poto Williams
Hon Kris Faafoi
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Kieran McAnulty, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG