



# Cabinet Social Wellbeing Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Classifying Substances Under the Misuse of Drugs Act 1975

Portfolio                      Health

On 12 May 2021, the Cabinet Social Wellbeing Committee:

- 1        **noted** that the Minister of Health is required under the Misuse of Drugs Act 1975 to consult with, and consider any advice given by the Expert Advisory Committee on Drugs before recommending that an Order in Council is made to amend the schedules of the Misuse of Drugs Act 1975;
- 2        **noted** that the Expert Advisory Committee on Drugs considered the following substances and has recommended the following scheduling changes under the Misuse of Drugs Act 1975:

#### Substances to be included in Schedule 1 (Class A)

- 2.1      $\alpha$ -Pyrrolidinovalerophenone ( $\alpha$ -PVP);
- 2.2     amides and carbamates of methamphetamine;
- 2.3     specified fentanyl analogues (cyclopropylfentanyl, methoxyacetylfentanyl, carfentanil, ocfentanil, acetylfentanyl, butyrfentanyl, 4-Fluoroisobutyrfentanyl (4-FIBF), acryloylfentanyl, furanylfentanyl and tetrahydrofuranylfentanyl (THF-F);
- 2.4     specified synthetic opioids U-47700, U-48800, and U-49900;

#### Substances to be included in Schedule 2 Part 1 (Class B1)

- 2.5     fentanyl reclassified from a Class B3 controlled drug with an exemption from Regulation 22 of the Misuse of Drugs Regulations 1977;
- 2.6     specified synthetic cannabinoids UR-144, 5F-PB-22, MDMB-CHMICA, 5F-AKB-48, XLR-11, JWH-018, AM-2201, AB-FUBINACA, AB-PINACA and AB-CHMINACA;
- 2.7     ethylone and N-Ethyl pentylone;
- 2.8     para-methoxymethylmethamphetamine (PMMA);
- 2.9     MT-45;

**Substances to be included in Schedule 2 Part 2 (Class B2)**

- 2.10 methylone and mephedrone;
- 2.11 lisdexamfetamine;

**Substance to be included in Schedule 3 Part 1 (Class C1)**

- 2.12 flubromazepam;

**Substances to be included in Schedule 3 Part 2 (Class C2)**

- 2.13 tramadol with an exemption from Regulation 28 of the Misuse of Drugs Regulations 1977 and included in Schedule 1C of the Misuse of Drugs Regulations 1977;

**Substances to be included in Schedule 3 Part 5 (Class C5)**

- 2.14 zopiclone and zolpidem;

**Substances to be included in Schedule 4 Part 1**

- 2.15 precursor substances of fentanyl (propionyl chloride, 1-phenethyl-4-piperidone and its salts, 4-piperidone and its salts, norfentanyl and its salts, 1-phenethylpiperidin-4-ylidenephethylamine and its salts, N-phenyl-4-piperidinamine and its salts, and N-phenyl-1-(2-phenylethyl)piperidin-4-amine);

**Substances to be included in Schedule 4 Part 2**

- 2.16 precursors commonly used in the manufacture of methamphetamine (hypophosphorous acid, red phosphorous, phosphorous acid, iodine and hydriodic acid);

**Presumption of supply limits**

- 2.17 for synthetic cannabinoids UR-144, 5F-PB-22, MDMB-CHMICA, 5F-AKB-48, XLR-11, JWH-018, AM-2201, AB-FUBINACA, AB-PINACA and AB-CHMINACA be set at 250 milligrams whether or not contained in a substance, preparation, or mixture, except when contained in plant material, and at 28 grams for plant material containing any of the specified synthetic cannabinoids;
- 2.18 for the specified fentanyl analogues cyclopropylfentanyl, methoxyacetyl fentanyl, carfentanil, ocfentanil, acetyl fentanyl, butyrfentanyl, 4-Fluoroisobutyrfentanyl (4-FIBF), acryloylfentanyl, furanylfentanyl and tetrahydrofuranylfentanyl (THF-F) be set at 0.5 grams (whether or not contained in a substance, preparation, or mixture) or 25 flakes, tablets, capsules, or other drug forms, each containing some quantity of the drug;
- 2.19 for the specified synthetic opioids (U-47700, U-48800, and U-49900) be set at 0.5 grams whether or not contained in a substance, preparation or mixture;
- 2.20 for ethyl and N-Ethyl pentylone be set at 5 grams or 100 doses (whether or not contained in a substance, preparation or mixture) 25 flakes, tablets, capsules, or other drug forms, each containing some quantity of the drug;
- 2.21 for para-methoxymethylmethamphetamine (PMMA) be set at 5 grams whether or not contained in a substance, preparation, or mixture;

- 3 **noted** that the proposed changes in paragraph 2 above are in line with the government's approach to drug harm reduction particularly to disrupt the supply of drugs;
- 4 **agreed** to schedule the substances in paragraphs 2.1-2.16 above, as recommended by the Expert Advisory Committee on Drugs;
- 5 **agreed** to set the presumption for supply limits for the substances in paragraphs 2.17-2.21 above, as recommended by the Expert Advisory Committee on Drugs;
- 6 **noted** that a presumption of supply limit can only be set via an Order in Council when that substance is being scheduled or rescheduled in the same Order;
- 7 **noted** that a presumption of supply limit for these substances could only be set by an amendment bill if the presumption of supply limits recommended by the Expert Advisory Committee on Drugs are not progressed as part of this proposed Order in Council;
- 8 **agreed** to amend the Misuse of Drugs Regulations as required to give effect to the decisions in paragraphs 2.5 and 2.13 above;
- 9 **invited** the Minister of Health to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions.

Rachel Clarke  
Committee Secretary

---

**Present:**

Rt Hon Jacinda Ardern  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Carmel Sepuloni (Chair)  
Hon Andrew Little  
Hon Poto Williams  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Jan Tinetti  
Hon Dr Ayesha Verrall  
Hon Aupito William Sio  
Hon Priyanca Radhakrishnan

**Officials present from:**

Office of the Prime Minister  
Office of the SWC Chair  
Officials Committee for SWC