



Cabinet Social Wellbeing Committee

Minute of Decision

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Misuse of Drugs Amendment Act 2019: Interim Review

Portfolio Health

On 27 October 2021, the Cabinet Social Wellbeing Committee:

- 1 **noted** that in 2019, amendments were made to the Misuse of Drugs Act 1975 (MoDA) to respond to harm caused by synthetic drugs to:
 - 1.1 affirm the ability of New Zealand Police to use discretion for personal possession and use of drugs, and require the consideration of whether, in addition to other relevant matters, health-based alternatives would be more beneficial to the public interest;
 - 1.2 enable temporary class drug orders to be made allowing substances to be treated as class C controlled drugs;
 - 1.3 schedule two substances as Class A controlled drugs (AMB- FUBINACA and 5F-ADB);
- 2 **noted** that the Minister of Finance and Minister of Health sought an interim review on the implementation and impact of the amendments two years after their commencement, and a final review after five years;
- 3 **noted** that while it is too soon to draw definitive conclusions, the interim review attached under SWC-21-SUB-0164 highlights encouraging signs that the amendments are having the desired effect;
- 4 **noted** that the interim review has recommended:
 - 4.1 a range of policy and operational improvements to continue to deliver on the intent of the recommendations including:
 - 4.1.1 develop a common understanding of “health-based approaches” to drug harm reduction;
 - 4.1.2 review the evidence of effective outreach approaches for people using drugs harmfully to identify areas for service improvement;
 - 4.1.3 continually improve the MoDA referral pathways in line with international best practice so they are safe, evidence-based, accessible, and maximise engagement by those who need support to reduce drug harm;

- 4.1.4 understand and inform national and local referral pathways to health-based supports for people using illegal drugs, to facilitate easy access for people needing support to the most appropriate service or other support;
 - 4.1.5 promote awareness of the national MoDA referral pathway, both with Police and alcohol and other drug service providers;
 - 4.1.6 consider developing a cross-sector strategic framework to enhance health-based approaches to drug harm;
 - 4.1.7 consider whether other referral pathways to mental health and addiction services require best practice improvements for effective outreach;
 - 4.1.8 continue to explore opportunities to develop a package of solutions and target support services to Māori and vulnerable populations to address the issues associated with deaths and hospitalisations due to synthetic cannabinoids;
 - 4.1.9 refine the existing Temporary Class Drug Order application process and clarity about the process be communicated to relevant stakeholders;
- 4.2 a range of data and analytical requirements for the full review scheduled for 2024;
- 5 **noted** that the Minister of Health intends to report back to Cabinet in 2024 on the outcomes of a final review of the amendments and their impact.

Rachel Clarke
Committee Secretary

Present:

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

Officials present from:

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