Aide-Mémoire

Talking points for 100-Day Plan Committee: Allowing sales of cold medicines containing pseudoephedrine

Date due to MO:	15 January 2024	**Action required by:**	17 January 2024
Security level:	IN CONFIDENCE	**Health Report number:**	H2024034816
To:	Hon David Seymour, Associate Minister of Health		
Consulted:	Health New Zealand: ☒ Māori Health Authority: ☐		

Contact for telephone discussion

Name	Position	Telephone
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Date due:	15 January 2024		
To:	Hon David Seymour, Associate Minister of Health		
Security level:	IN CONFIDENCE	**Health Report number:**	H2024034816

Details of meeting:	10 am, Wednesday 17 January
Cabinet Committee:	100 Day Plan Committee
Purpose of meeting/ proposal:	To seek agreement to amend the Misuse of Drugs Act 1975 and consequential amendments to regulations to allow for the sale without prescription of cold and flu medicines containing pseudoephedrine.
Comment:	**Talking points** • Please see the attached talking points to assist with your presentation of the paper. • This aide-mémoire discloses all relevant information.

Allison Bennett
Group Manager, Health System Settings
Strategy Policy and Legislation

Talking points on allowing sales of cold medicines containing pseudoephedrine

- This proposal is part of the Coalition Government's 100-day plan.
- In 2011, changes were made to ban retail sales of cold and flu medicines containing pseudoephedrine, in an attempt to prevent these medicines from being diverted to the illicit manufacture of methamphetamine.
- The increased restrictions on pseudoephedrine have led to low demand for these products.
- As a result, suppliers have allowed their product approvals to lapse and pseudoephedrine cold and flu medicines are effectively unavailable in New Zealand.
- These tighter controls on pseudoephedrine have not affected the overall supply of methamphetamine in New Zealand as manufacturers and importers have moved on to other supply pathways.
- Legislative changes are required to change these controls to enable New Zealanders to access pseudoephedrine-based medicines for cold and flu.
- I propose the Misuse of Drugs Act 1975 (and associated regulations) be amended to reclassify pseudoephedrine from a Class B2 controlled drug to a Class C3 (partially exempted) controlled drug.
- I propose the Medicines Regulations 1984 be amended to reclassify pseudoephedrine, where it is contained in cold and flu medicines, from a prescription medicine to a restricted medicine.
- I plan to introduce legislation by 8 March 2024.

Questions & Answers

Q: When will the public be able to access pseudoephedrine-based medicines?

The timeframe is largely dependent on suppliers' willingness and ability to supply pseudoephedrine-based products to New Zealand. When the Cabinet decision is announced, pharmaceutical companies will likely start preparing to apply to Medsafe for approval to supply the medicines on the New Zealand market. I am advised that the lead time may be significant (up to 12 months) for companies to organise their supply chains and prepare products for the New Zealand market.

Q: How will products be approved in a timely fashion?

Medsafe will use an expedited provisional process to approve the medicines in the fastest way practicable.