

Briefing

Presentation of the renewal of temporary class drug orders to the House

Date due to MO: 1 February 2024 **Action required by:** 26 February 2024

Security level: IN CONFIDENCE **Health Report number:** H2024034983

To: Hon David Seymour, Associate Minister of Health

Consulted: Health New Zealand: Māori Health Authority:

Contact for telephone discussion

Name	Position	Telephone
Simon Medcalf	Deputy Director-General, Regulation and Monitoring	s 9(2)(a)
Chris James	Group Manager, Medsafe, Regulation and Monitoring	s 9(2)(a)

Minister's office to complete:

- Approved Decline Noted
 Needs change Seen Overtaken by events
 See Minister's Notes Withdrawn

Comment:

Presentation of the renewal of temporary class drug orders to the House

Security level: IN CONFIDENCE **Date:** 1 February 2024

To: Hon David Seymour, Associate Minister of Health

Purpose of report

1. This report informs you of the steps, and requests your authorisation, to present the renewal of two temporary class drug orders (TCDO) to the House of Representatives (the House): one being for bromazolam, and the other for ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA.

Background

2. Under section 4C of the Misuse of Drugs Act 1975 (the Act), the Minister of Health (the Minister) may, by an order published under the Legislation Act 2019, specify any substance, preparation, mixture, or article as a temporary class drug. The purpose of a TCDO is to enable the control of potentially harmful substances with limited delays. While a TCDO is in effect, the substance is treated as a Class C1 controlled drug under the Act.
3. Under section 4F of the Act, the Minister may renew a TCDO before the date of its expiry on one occasion for the purpose of allowing sufficient time for the Minister to obtain advice on the substance's appropriate classification.
4. On 29 November 2023, a renewal of the TCDO for bromazolam, authorised by the Minister of Health, was published in the *New Zealand Gazette*. The renewal of the TCDO took effect on 30 November 2023 and will be in force until 30 November 2024 unless otherwise revoked.
5. On 15 December 2023, a renewal of the TCDO for ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA, authorised by the Minister of Health, was published in the *New Zealand Gazette*. The renewal of the TCDO took effect on 22 December 2023 and will be in force until 22 December 2024 unless otherwise revoked.
6. Both renewals of the TCDO were published in the *New Zealand Gazette* and made available on the Ministry of Health website as a requirement of the Legislation Act 2019.

Presenting the notices to the House

7. Section 114 of the Legislation Act 2019 requires that renewals of TCDOs are presented to the House in accordance with House rules and practice. This procedural step follows approval from the Minister of Health and is required no later than the 16th sitting day of the House after the day on which they were made.

8. The Regulations Review Committee has created the following steps for presenting instruments (such as the renewals) to the House.
 - a. The law-making body (The Ministry of Health in this case) sends copies of the instrument to the Minister's Office (see Appendices 1 and 2).
 - b. The Minister will authorise the House Office to present the paper.
 - c. The law-making body delivers three hard copies and a soft copy of the instrument to the House Office on the morning of the day on which the instrument is due to be presented to the House. The copies and authorisation to present it from the Minister must be received by the Clerk of the House of Representatives by 1.00pm.
 - d. The House Office manages the presentation of the instrument to the House.

Next steps

9. After you authorise the presentation of the orders to the House, and your office informs the Ministry of Health that the House Office has given approval to present the instrument, the Ministry of Health will deliver the required copies to the House Office.

Recommendations

We recommend you:

- a) **Authorise** the House Office to present to the House of Representatives the renewal of the temporary class drug order for bromazolam **Yes/No**
- b) **Authorise** the House Office to present to the House of Representatives the renewal of the temporary class drug order for ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA. **Yes/No**

Dr Diana Sarfati

Director-General of Health

Te Tumu Whakarae mō te Hauora

Date: 02 February 2024

Hon David Seymour

Associate Minister of Health

Date:

Appendix 1

Renewal of Temporary Class Drug Order: Bromazolam

Pursuant to section 4F(2) of the Misuse of Drugs Act 1975, I, the Honourable Dr Shane Reti, the Minister of Health, renew the temporary class drug order for the substance **Bromazolam** as a temporary class drug for the purposes of sections 4C of the Misuse of Drugs Act 1975 ("Act").

On 30 November 2022, the Honourable Andrew Little, Minister of Health, gave notice specifying the substance **Bromazolam** as a temporary class drug for the purposes of section 4C of the Act, effective from 1 December 2022 (2022-go3374). This temporary class drug order will expire on 30 November 2023 unless earlier renewed in accordance with section 4F(2) of the Act. I am satisfied that this temporary class drug order for the substance specified:

- a. is currently in place; and
- b. has not been previously renewed; and
- c. is being renewed only to allow sufficient time to obtain the advice sought under section 4E of the Act.

Date of Order

The renewal of this Temporary Class Drug Order will take effect on **30 November 2023** and will expire on **30 November 2024**.

Terms and Conditions

The renewal of this Temporary Class Drug Order is subject to terms and conditions as specified under sections 4D, 4E, and 4F of the Act.

Dated at Wellington this 27 day of November 2023.

Hon Dr SHANE RETI, Minister of Health.

Appendix 2

Renewal of Temporary Class Drug Order: ADB-5Br-INACA, MDMA-5Br-INACA, and MDMA-INACA

Pursuant to section 4F(2) of the Misuse of Drugs Act 1975, I, the Honourable Dr Shane Reti, the Minister of Health, renew the temporary class drug order for the substances **ADB-5Br-INACA, MDMA-5Br-INACA, and MDMA-INACA** as temporary class drugs for the purposes of section 4C of the Misuse of Drugs Act 1975 ("Act").

On 21 December 2022, the Honourable Andrew Little, Minister of Health, gave notice specifying the substances **ADB-5Br-INACA, MDMA-5Br-INACA, and MDMA-INACA** as temporary class drugs for the purposes of section 4C of the Act, effective from 23 December 2022 (2022-go5625). This temporary class drug order will expire on 22 December 2023 unless earlier renewed in accordance with section 4F(2) of the Act.

I am satisfied that this temporary class drug order for the substances specified:

- a. is currently in place; and
- b. has not been previously renewed; and
- c. is being renewed only to allow sufficient time to obtain the advice sought under section 4E of the Act.

Date of Order

The renewal of this Temporary Class Drug Order will take effect on **22 December 2023** and will expire on **22 December 2024**.

Terms and Conditions

The renewal of this Temporary Class Drug Order is subject to terms and conditions as specified under sections 4D, 4E, and 4F of the Act.

Dated at Wellington this 27 day of November 2023.

Hon Dr SHANE RETI, Minister of Health.

ENDS.

Minister's Notes

PROACTIVELY RELEASED