

## In Confidence

Office of the Minister of Health

Cabinet Legislation Committee

## Medicines Amendment Bill: Amendment Paper for removing the prescriber interest in pharmacy restriction

### Proposal

1. This paper seeks approval for the introduction of an Amendment Paper to the Medicines Amendment Bill (the Bill).

### Policy

2. On 13 September 2025, the Minister of Health agreed to progress an Amendment Paper to the Bill to remove the restriction that prohibits a prescriber from holding an interest in a pharmacy. This aligns with the access to medicines scope of the Bill.
3. The attached Amendment Paper gives effect to this decision, providing for repeal of section 42C of the Medicines Act 1981 (the Act), and combines with the previously agreed Amendment Paper for removal of the prohibition of advertising unapproved medicines at medical conferences and trade shows.
4. Cabinet has already agreed that the Act restrictions on the ownership of community pharmacies will not be continued in the Medical Products Bill [SOU-25-MIN-0101]. Removal of the prescriber interest in a pharmacy restriction in advance of the Medical Products Bill has minimal risk as a standalone change.

### Impact analysis

5. The Regulatory Impact Statement (RIS) requirements for this proposal have been met through the Medical Products Bill RIS dated 27 June 2025.

### Compliance

6. The Amendment Paper is consistent with:
  - 6.1 the principles of the Treaty of Waitangi;
  - 6.2 advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions;
  - 6.3 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 6.4 the disclosure statement requirements;
  - 6.5 the principles and guidelines set out in the Privacy Act 2020;

- 6.6 relevant international standards and obligations;
- 6.7 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

### **Consultation**

- 7 The Ministry of Health consulted the following agencies: the Ministry for Regulation; Health New Zealand, and the Department of the Prime Minister and Cabinet.

### **Binding on the Crown**

- 8 The primary Act is binding on the Crown.

### **Creating new agencies or amending law relating to existing agencies.**

- 9 The amendment does not create any new agencies or amend law relating to existing agencies.

### **Allocation of decision-making powers**

- 10 This Amendment Paper does not allocate decision-making powers between the executive, the courts, and the tribunals.

### **Associated regulations**

- 11 This Amendment Paper does not include any regulation-making powers.

### **Other instruments**

- 12 The Amendment Paper does not include a provision to make other instruments that are deemed to be secondary legislation.

### **Definition of Minister/department**

- 13 This Amendment Paper does not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position).

### **Commencement of legislation**

- 14 Proposals in the Amendment Paper will come into force with the rest of the Bill, the day following Royal assent.

### **Parliamentary stages**

- 15 The Bill was reported back by the Health Select Committee on 11 August 2025. The Amendment Paper will be introduced in the Committee of the whole House.

## Proactive Release

- 16 I intend to proactively release this paper, subject to any necessary redactions as appropriate under the Official Information Act 1982, within 30 days of the Amendment Paper being introduced in the Committee of the whole House.

## Recommendations

The Minister of Health recommends that the Cabinet Legislation Committee:

- 1 **note** that the Medicines Amendment Bill holds a Category 3 priority on the 2025 Legislation Programme (to be passed by the end of 2025);
- 2 **note** that Cabinet has already agreed that the Medicines Act restrictions on the ownership of community pharmacies will not be continued in the Medical Products Bill [SOC-25-MIN-0101];
- 3 **note** that the Minister of Health has agreed to amend the Medicines Amendment Bill to remove the prescriber restriction in advance of the Medical Products Bill;
- 4 **note** that the attached Amendment Paper gives effect to the policy decision in recommendation 2, and combines with the previously agreed Amendment Paper for removal of the prohibition of advertising unapproved medicines at medical conferences and trade shows;
- 5 **approve** the Amendment Paper to the Medicines Amendment Bill for introduction during the Committee of the whole House stage.

Authorised for lodgement

Hon Simeon Brown

Minister of Health