

Misuse of Drugs (Classification of BZP) Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill will amend the Misuse of Drugs Act 1975 (the **Act**) to make it illegal to possess and use, sell, supply, import, export, or manufacture benzylpiperazine (**BZP**), phenylpiperazine, and related substances. These substances are the active ingredients in the majority of party pills.

In December 2006, the Expert Advisory Committee on Drugs established under the Act considered the research available on BZP and advised that BZP and related substances pose a moderate risk of harm. The purpose of the classification is therefore to reduce the potential for harm caused by the widespread availability and use of party pills containing BZP, related substances, or both.

The Bill will also—

- provide a 6-month amnesty after it comes into force, during which time it will not be an offence to possess for personal use less than 5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug:
- establish the quantity or amount of these drugs over which these drugs are presumed to be for supply:

- remove BZP from Schedule 4 of the Misuse of Drugs Amendment Act 2005 so that BZP will no longer be a restricted substance.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause and provides that the Bill comes into force on 18 December 2007.

Clause 3 states that this Bill amends the Misuse of Drugs Act 1975.

Part 1

Amendments to principal Act and amnesty provision

Amendments to principal Act

Clause 4 amends Part 1 of Schedule 3, which relates to Class C1 controlled drugs. The effect of the amendment is to add 5 new clauses to Part 1 of Schedule 3, relating to BZP and other related substances. The new clauses are set out in *Schedule 1* of this Bill.

Clause 5 amends clause 1 of Schedule 5, which relates to specifying the amount, level, or quantity at and over which the drugs listed in the clause are presumed to be for supply. The amendment adds BZP and other related substances to clause 1, as set out in *Schedule 2* of this Bill.

Amnesty provision

Clause 6 is an amnesty provision providing for a limited period, until the close of 17 June 2008, during which it is not an offence for a person to use a substance added by this Bill to the list of C1 controlled drugs, or to possess that substance for his or her own use. However, the amount possessed by the person for his or her own use must be less than the amount specified in Schedule 5, as amended by *clause 5* of this Bill, and it also remains an offence, throughout the amnesty period, to deal with a controlled drug in terms of section 6 of the Act.

Part 2
Amendments to Misuse of Drugs
Amendment Act 2005

Clause 7 states that *Part 2* amends the Misuse of Drugs Amendment Act 2005.

Clause 8 amends Schedule 4 of the Misuse of Drugs Amendment Act 2005 by omitting the item relating to BZP.

Hon Jim Anderton

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Misuse of Drugs (Classification of BZP) Amendment Act **2007**.
- 2 Commencement** 5
This Act comes into force on 18 December 2007.
- 3 Principal Act amended**
This Act amends the Misuse of Drugs Act 1975.
- Part 1**
**Amendments to principal Act and
amnesty provision** 10
Amendments to principal Act
- 4 Schedule 3 amended**
Part 1 of Schedule 3 is amended by adding the clauses set out in **Schedule 1** of this Act as clauses 2 to 6. 15
- 5 Schedule 5 amended**
Clause 1 of Schedule 5 is amended by inserting the items set out in **Schedule 2** of this Act after the item relating to cannabis plant.
- Amnesty provision* 20
- 6 Amnesty in relation to use and possession for personal use of BZP**
- (1) Despite **section 4** of this Act and section 7 of the principal Act, it is not an offence for a person, in relation to any of the controlled drugs added by **section 4** of this Act to Part 1 of Schedule 3 of the principal Act, to do either or both of the following before 18 June 2008: 25
- (a) to possess for his or her own use an amount of that controlled drug that is less than the amount, level, or quantity at and over which that controlled drug is presumed 30

- to be for supply, as specified in Schedule 5 of the principal Act (as amended by **section 5** of this Act):
- (b) to use that controlled drug.
- (2) This section is subject to section 6 of the principal Act and to **section 5** of this Act. 5
- (3) This section expires at the close of 17 June 2008.

Part 2
Amendment to Misuse of Drugs
Amendment Act 2005

- 7 **Misuse of Drugs Amendment Act 2005 amended** 10
This **Part** amends the Misuse of Drugs Amendment Act 2005.
- 8 **Schedule 4 amended**
The item relating to BZP in Schedule 4 is omitted.
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Schedule 1**s 4****New clauses added to Part 1 of Schedule 3**

- 2 The following substances:
BZP (1-benzylpiperazine or A2 benzylpiperazine or N-benzylpiperazine (1-benzyl-1,4-diazacyclohexane)) 5
TFMPP (1-(3-trifluoromethylphenyl)piperazine or N-(3-trifluoromethylphenyl)piperazine)
pFPP (1-(4-fluorophenyl)piperazine)
MeOPP (1-(4-methoxyphenyl)piperazine)
mCPP (1-(meta-chlorophenyl)piperazine) or 10
1-(3-chlorophenyl)piperazine)
MBZP (1-methyl-4-benzylpiperazine).
- 3 The isomers of the substances mentioned in clause 2 whenever the existence of such isomers is possible within the specific chemical designation. 15
- 4 The esters and ethers of the substances mentioned in clause 2 and the esters and the ethers of the isomers mentioned in clause 3 whenever the existence of such esters or ethers is possible.
- 5 The salts of the substances mentioned in clause 2 and the salts of the isomers, esters, and ethers mentioned in clause 3 or 4. 20
- 6 Substances containing any proportion of a substance mentioned in clause 2, 3, 4, or 5.
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Schedule 2

s 5

Items inserted into clause 1 of Schedule 5

BZP (1-benzylpiperazine or A2 benzylpiperazine or N-benzylpiperazine (1-benzyl-1,4-diazacyclohexane))	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
TFMPP (1-(3-trifluoromethylphenyl)piperazine or N-(3-trifluoromethylphenyl)piperazine)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
pFPP (1-(4-fluorophenyl)piperazine)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
MeOPP (1-(4-methoxyphenyl)piperazine)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
mCPP (1-(meta-chlorophenyl)piperazine) or 1-(3-chlorophenyl)piperazine)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
MBZP (1-methyl-4-benzylpiperazine)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug