

Misuse of Drugs (Pseudoephedrine) Amendment Bill 2024

Legislative Statement

Presented to the House in accordance with Standing Order 272 J.17

Overview

1. The Misuse of Drugs (Pseudoephedrine) Amendment Bill 2024 amends the Misuse of Drugs Act 1975 and the Misuse of Drugs Regulations 1977.
2. In an attempt to control the supply of methamphetamine, pseudoephedrine was classified as a Class B2 controlled drug in 2011. At the same time, pseudoephedrine was scheduled as a 'prescription medicine' under the Medicines Regulations 1984. These amendments severely restricted New Zealanders' access to cold and flu medicines containing pseudoephedrine.
3. The policy intent behind this bill is to allow for the sale of cold and flu medicines containing pseudoephedrine without a prescription.
4. The Government is also amending the Medicines Regulations 1984, to reschedule pseudoephedrine as a 'restricted medicine'. Together, these changes will enable consumers to purchase cold and flu medicines containing pseudoephedrine by way of a face-to-face transaction with a pharmacist.

Reclassifying pseudoephedrine as a controlled drug

5. The bill reclassifies pseudoephedrine from a Class B2 to a Class C3 controlled drug under the Misuse of Drugs Act 1975.
6. Class C3 controlled drugs are defined as 'partially exempted' drugs under the Misuse of Drugs Regulations 1977, meaning they are exempt from some requirements (e.g. storage requirements) that would restrict access for therapeutic use.
7. Reclassifying pseudoephedrine as a Class C3 controlled drug will achieve the policy intent behind the bill, while also ensuring that illicit use of the drug is managed. Notably, a licence to import or export products containing pseudoephedrine will still be required.

Changes to the Misuse of Drugs Regulations

8. The bill also makes some consequential amendments to the Misuse of Drugs Regulations 1977.
9. Over time, a number of different legislative amendments concerning pseudoephedrine have been made. The amendments made in this bill ensure that any references to pseudoephedrine in the Misuse of Drugs Regulations 1977 align with the policy intent behind the bill.