Misuse of Drugs Amendment Regulations (No 2) 2023

Cindy Kiro, Governor-General

Order in Council

At Wellington this 4th day of September 2023

Present:
Her Excellency the Governor-General in Council

These regulations are made under section 37 of the Misuse of Drugs Act 1975 on the advice and with the consent of the Executive Council.

Contents

Regulations

1 Title

These regulations are the Misuse of Drugs Amendment Regulations (No 2) 2023.

2 Commencement

These regulations come into force on 5 October 2023.

3 Principal regulations

These regulations amend the Misuse of Drugs Regulations 1977.

4 Regulation 21 amended (Restrictions on application of section 8 of Act, etc)

(1) Replace regulation 21(5B)(b) with:

(b) in the case of a Class A controlled drug, in any quantity greater than the quantity reasonably required for the treatment of the patient for a period of 1 month.

(2) Replace regulation 21(5D) with:

(5D) Despite subclauses (3), (4), (5), and (5B), within the authority conferred by regulation 12A(1) a medical practitioner, nurse practitioner, designated prescriber nurse, designated prescriber pharmacist, midwife, or dentist may issue—

(a) a prescription for the supply of an opioid Class A, Class B, or Class C controlled drug in any quantity not greater than the quantity reasonably required for the treatment of the patient for 1 month:

(b) a prescription for the supply of a non-opioid Class B or Class C controlled drug in any quantity not greater than the quantity reasonably required for the treatment of the patient for 3 months.

(5E) Despite subclause (5D)(a), a specified medical practitioner, or a prescriber authorised by a specified medical practitioner or by a medical practitioner authorised by a specified medical practitioner, may issue a prescription for the supply of any opioid Class A, Class B, or Class C controlled drug in any quantity not greater than the quantity reasonably required for the treatment of the patient for 3 months for the purposes of section 24A of the Act.

5 Regulation 30 amended (Exemption for certain prescriptions)

In regulation 30(2)(a), replace "(5D)" with "(5E)".

6 Regulation 31A amended (Exceptions to restrictions in regulation 31(1))

(1) In the heading above regulation 31A(1), delete "*or Class B*".

(2) In regulation 31A(1), delete "or a Class B controlled drug".

(3) Replace regulation 31A(3) and (4) and the cross-heading above subclause (3) with:

Prescriptions for Class B or Class C controlled drugs

(3) A medical practitioner, nurse practitioner, designated prescriber nurse, designated prescriber pharmacist, midwife, or dentist who issues a prescription for a

non-opioid Class B or Class C controlled drug may direct in the prescription that the drug be supplied on 3 or more occasions, which must be at monthly or shorter intervals.

(4) In the case of a non-opioid controlled drug supplied under a direction under subclause (3), the total quantity supplied, having regard to the dose and frequency of dose or the directions of the medical practitioner, nurse practitioner, designated prescriber nurse, designated prescriber pharmacist, midwife, or dentist, must not be greater than a quantity sufficient for use for a period of 3 months.

(4) Revoke regulation 31A(6A) and (6B) and the cross-heading above subclause (6A).

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 5 October 2023, amend the Misuse of Drugs Regulations 1977 (the **principal regulations**).

Regulations 21, 31, and 31A of the principal regulations set different maximum periods of supply for different controlled drugs depending on the class of drug concerned and who prescribes the drug.

Regulation 21 of the principal regulations is amended to provide that the maximum period of supply for all opioid controlled drugs (such as fentanyl and morphine) listed under the Misuse of Drugs Act 1975 is 1 month. However, an exception is provided to enable the maximum period of supply to be 3 months for the purposes of section 24A of the Act (which relates to opioid substitution treatment) if the prescriber is authorised by a specified medical practitioner or a medical practitioner authorised by a specified medical practitioner.

Regulation 21 of the principal regulations is also amended to provide that the maximum period of supply for all non-opioid class B and C controlled drugs is 3 months.

Regulation 31A of the principal regulations is amended to allow medical practitioners, nurse practitioners, designated prescriber nurses, designated prescriber pharmacists, midwives, and dentists who issue a prescription for a non-opioid Class B or Class C controlled drug to direct in the prescription that the drug be supplied on 3 or more occasions at monthly or shorter intervals.

These regulations also amend the principal regulations to remove an exception for certain controlled drugs prescribed electronically.

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement on 11 July 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://www.health.govt.nz/about-ministry/information-releases/regulatory-impact-statements
- https://treasury.govt.nz/publications/informationreleases/ris

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