

INTRODUCTION COPY

SOLVENT ABUSE BILL

EXPLANATORY NOTE

THIS Bill, which is to come into force on 1 April 1985, amends the Misuse of Drugs Act 1975, the Alcoholism and Drug Addiction Act 1966, and the Children and Young Persons Act 1974, and it is proposed at the appropriate stage to seek the leave of the House to divide the Bill into its component parts for final enactment as separate Bills.

The main changes are as follows:

Clause 1 relates to the Short Title.

PART I

AMENDMENTS TO MISUSE OF DRUGS ACT 1975

Clause 2 is a machinery provision.

Clause 3 sets out a new definition of "solvent" and an expanded definition of "dependent".

Clause 4 creates two new offences: (i) counselling or procuring solvent abuse; (ii) inhaling or abusing any solvent. The clause inserts in the principal Act new sections 7A and 7B.

Section 7A provides that no person shall counsel or procure another person to inhale or abuse any solvent. Any person who commits this offence is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,000 or to both.

Section 7B provides that no person shall inhale or abuse any solvent. Any person who commits this offence is liable on conviction to a fine not exceeding \$500.

Clause 5 contains consequential amendments.

Clause 6 specifically provides a limited power for the making of regulations by the Governor-General in Council. The principal Act is amended by inserting a new section 37 (1A).

Section 37 (1A) provides that the Governor-General may, where he considers that a substance is one likely to give rise to dependency by way of inhalation or abuse, by Order in Council declare such substance to be a solvent for the purposes of section 2 of the Act.

PART II

AMENDMENT TO ALCOHOLISM AND DRUG ADDICTION ACT 1966

Clause 7 is a machinery provision.

Clause 8 amends the principal Act by inserting a new *section 3A*.

Section 3A deals with “solvent addicts” and puts beyond doubt the application of the principal Act to “solvent addicts”, thus confirming a recent District Court decision.

PART III

AMENDMENT TO CHILDREN AND YOUNG PERSONS ACT 1974

Clause 9 is a machinery provision.

Clause 10 amends the principal Act by inserting a new *subsection (1) (a)* into section 12.

Subsection (1) (a) applies to a person associating with known criminals or drug addicts or persons who habitually inhale or abuse solvents.

Graeme Lee

SOLVENT ABUSE

ANALYSIS

Title	
1. Short Title	
	PART II
	AMENDMENT TO ALCOHOLISM AND DRUG ADDICTION ACT 1966
	7. This Part to be read with Alcoholism and Drug Addiction Act 1966
	8. New section inserted (relating to solvent addicts)
	3A. Solvent addicts
	PART III
	AMENDMENT TO CHILDREN AND YOUNG PERSONS ACT 1974
	9. This Part to be read with Children and Young Persons Act 1974
	10. Powers in respect of unaccompanied children in public places

A BILL INTITULED

- An Act to amend the Misuse of Drugs Act 1975, the Alcoholism and Drug Addiction Act 1966 and the Children and Young Persons Act 1974 to make provision**
- 5 **for the prevention of solvent abuse, the care and treatment of solvent addicts and to provide for the preventive and social services in respect of children and young persons who associate with those who habitually inhale or abuse solvents.**
- 10 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Solvent Abuse Act 1984.

PART I

AMENDMENTS TO MISUSE OF DRUGS ACT 1975

2. This Part to be read with Misuse of Drugs Act 1975— 5
(1) This Part of this Act shall be read together with and deemed part of the Misuse of Drugs Act 1975 (hereafter in this Part referred to as the principal Act).

(2) This Part of this Act shall come into force on the 1st day 10
of April 1985.

3. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definition of “dependent”, and inserting, in their appropriate alphabetical order, the following new definitions:

“ ‘Dependent’ means being in a state of periodic or chronic 15
intoxication, produced by the repeated consumption, smoking, inhalation or abuse of a controlled drug or solvent detrimental to the person in relation to whom the word is used, and involving a compulsive desire to continue consuming, smoking, inhaling or abusing 20
the drug or solvent or a tendency to increase the dose or abuse of the drug or solvent; and ‘dependency’ has a corresponding meaning:”

“ ‘Solvent’ means any plastic solvent, adhesive cement, 25
cleaning agent, glue, dope, nail polish remover, lighter fluid, gasoline and other products derived from petroleum, paint or lacquer thinner, aerosol propellants and anaesthetic gas, and any other substance declared by the Governor-General by 30
Order in Council to be a solvent for the purposes of this Act; and includes any vapour, fume or liquid given off or produced from a solvent:”.

4. New sections inserted (relating to solvent abuse)—The principal Act is hereby amended by inserting, after section 7, the following sections: 35

“7A. **Counselling or procuring solvent abuse**—(1) Except as provided in section 8 of this Act, or pursuant to a licence under this Act, or otherwise as permitted by regulations made under this Act, no person shall counsel or procure another 40
person to inhale or abuse any solvent.

“(2) Every person who contravenes **subsection (1)** of this section commits an offence against this Act and is liable on conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,000, or to both.

5 “**7B. Inhalation or abuse of any solvent**—(1) Except as provided in section 8 of this Act, or pursuant to a licence under this Act, or as otherwise permitted by regulations made under this Act, no person shall inhale or abuse any solvent.

10 “(2) Every person who contravenes **subsection (1)** of this section commits an offence against this Act and is liable on conviction to a fine not exceeding \$500.”

5. Consequential amendments—(1) Section 20 (1) of the principal Act is hereby amended by inserting after the words “controlled drug” the words “or solvent”, and after the words
15 “controlled drugs” the words “or solvents”.

(2) The principal Act is hereby amended by inserting, after paragraph (g) of section 20 (3), the following paragraph:

“(ga) A social worker within the meaning of the Department of Social Welfare Act 1971.”

20 (3) Section 31 (2) of the principal Act is hereby amended by inserting after the words “particular controlled drugs” the words “or solvents”.

6. Regulations—The principal Act is hereby amended by inserting, after subsection (1) of section 37, the following
25 subsection:

“(1A) The Governor-General may, where he considers that a substance is one likely to give rise to dependency by way of inhalation or abuse, by Order in Council declare such substance to be a solvent for the purposes of **section 2** of this
30 Act.”

PART II

AMENDMENT TO ALCOHOLISM AND DRUG ADDICTION ACT 1966

7. This Part to be read with Alcoholism and Drug Addiction Act 1966—(1) This Part of this Act shall be read
35 together with and deemed part of the Alcoholism and Drug Addiction Act 1966 (hereafter in this Part referred to as the principal Act).

(2) This Part of this Act shall come into force on the 1st day of April 1985.

8. New section inserted (relating to solvent addicts)—
The principal Act is hereby amended by inserting, after section 3, the following section:

“3A. **Solvent addicts**—This Act shall apply, in the same way as it applies to an alcoholic, to any person whose addiction 5
to, inhalation of or continued abuse of a solvent (as defined by **section 2** of the Misuse of Drugs Act 1975) is causing or is likely to cause serious injury to his health or is a source of harm, suffering or serious annoyance to others, or renders him 10
incapable of properly managing himself or his affairs.”

PART III

AMENDMENT TO CHILDREN AND YOUNG PERSONS ACT 1974

9. This Part to be read with Children and Young Persons Act 1974—(1) This Part of this Act shall be read together with and deemed part of the Children and Young Persons Act 1974 15
(hereafter in this Part referred to as the principal Act).

(2) This Part of this Act shall come into force on the 1st day of April 1985.

10. Powers in respect of unaccompanied children in public places—The principal Act is hereby amended by 20
repealing paragraph (a) of section 12 (1) (as inserted by section 4 (1) of the Children and Young Persons Amendment Act 1982) and substituting the following paragraph:

“(a) He is associating with known criminals or drug addicts or persons who habitually inhale or abuse solvents 25
(as defined by **section 2** of the Misuse of Drugs Act 1975).”