

Drug background in New Zealand

- Drug use and harms steadily increased since early 90s
- Harm Minimisation been in place since mid 90s
- Alcohol laws liberalised in 1999
- Late 90s pure methamphetamine emerged
- 2000 – 2005 highest prevalence of methamphetamine use
- 2007 highest prevalence marijuana use
- 2000 first 'legal highs' emerged – BZP based
- 2008 BZP scheduled as Class C Controlled Drug

Responding to NPS

- Between 2008 – 2012 200 - 300 products emerged – predominantly synthetic marijuana
- In 2011 temporary bans instigated enabling scheduling of harmful products
- By 2012 over 40 products had been banned using this system – ‘cat & mouse’
- July 2013 new legislation introduced aimed at addressing manufacturers ability to beat legislation – Psychoactive Substances Bill

Psychoactive Substances Bill

- Reverses onus of proof to sponsor/manufacturer of product – no more than “low risk”
- Established an expert advisory group & regulatory authority to assess products and regulate sales
- Clinical testing regime established (including animal trials)
- Sales restricted to licenced premises to over 18s
- Restrictions on advertising and product labelling
- Councils able to restrict where retailers can operate through Local Approved Products Policy

Meaning of Psychoactive Substance

9 Meaning of psychoactive substance

(1) In this Act, unless the context otherwise requires, **psychoactive substance** means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.

(2) **Psychoactive substance** includes—

(a) an approved product:

(b) a substance, mixture, preparation, article, device, or thing that is, or that is of a kind or belonging that is, or belongs to a class that is, declared by the Governor-General by Order in Council made under section 81 to be a psychoactive substance for the purposes of this Act.

Does not include

- (a) a controlled drug specified or described in Schedule 1, 2, or 3 of the Misuse of Drugs Act 1975:
- (b) a precursor substance specified or described in Schedule 5 4 of the Misuse of Drugs Act 1975:
- (c) a medicine (as defined in Medicines Act 1981)
- (d) a herbal remedy
- (e) a dietary supplement
- (f) any food (within the meaning of s2 of the Food Act 1981)
- (g) any alcohol, unless the alcohol contains a psychoactive substance
- (h) any tobacco product
- (i) a substance, mixture, preparation, article, device, or thing that is, or that is of a kind or belonging that is, or belongs to a class that is, declared by the Governor-General by Order in Council not to be a psychoactive substance for the purposes of this Act.

Transitional provisions

- 47 products granted interim approval following bill passing in August 2013
 - No evidence of harm
 - Prevent “black market” emerging
- 200 – 300 products banned – requiring approval
- 150 retailers granted interim licences
- Approximately 3000 – 4000 outlets closed
- Councils encouraged to implement LAPP
- Serious harms emerged from transitional products with months

Public backlash

- Protest marches during passage of the bill related to animal testing
- By Christmas 2013 public concern and confusion at legislation was gaining momentum
- Early 2014 media began campaign
- March 2014 marches and protests across the country calling for blanket bans
- Poisons Centre, emergency rooms and treatment provider saw significant increases in harms
- Only 6 councils had LAPP in place and were critical of government. Industry litigating LAPP

Government response

- 5 May 2014 urgent legislation introduced to remove transitional products from sale – pending approval through clinical trials process
- Removed animal testing criteria
- Public welcomed move but critical of transitional approach
- Legal High industry highly critical of change sighting probability of black market trading and use moving to marijuana

Lessons learned

- Public are strongly opposed to NPS and were critical of regulated approach
- Public don't understand the subtleties of the legislative challenges
- Animal testing for “recreational drugs” is highly a highly emotive area
- Reaction to NPS regulation has triggered a lobby on decriminalisation/legalisation of marijuana
- Moves to regulate should be approached as a ban by alternate means

THANK YOU

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