

12 February 2018

Hon David Parker, Attorney-General

## **Consistency with the New Zealand Bill of Rights Act 1990: Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill**

### **Purpose**

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1. We have considered whether the Psychoactive Substances (Increasing Penalty for Supply and Distribution) Amendment Bill ('the Bill'), a members' Bill in the name of Simeon Brown MP, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The Bill amends the Psychoactive Substances Act 2013 ('the principal Act') to increase the penalty for the offence of selling or supplying a psychoactive substance that is not an approved product. The Bill intends to align this penalty with those for supply of Class C drugs under the Misuse of Drugs Act 1975.
3. The Bill increases the penalty in s 70 of the principal Act from a maximum of 2 years' imprisonment to a maximum of 8 years. That existing section provides that a person commits an offence if, without reasonable excuse or without holding a licence to sell the psychoactive substance, they:
  - a. sell or supply a psychoactive substance that is not an approved product to any person; or
  - b. offer to sell or supply a psychoactive substance that is not an approved product to any person; or
  - c. possess a psychoactive substance that is not an approved product with the intent to sell or supply the psychoactive substance to any person.
4. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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