

12 February 2024

Hon Judith Collins KC, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Misuse of Drugs (Pseudoephedrine) Amendment Bill

Purpose

1. We have considered whether the Misuse of Drugs (Pseudoephedrine) Amendment Bill (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 26060/3.0), received on 7 February. We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The Bill amends the Misuse of Drugs Act 1975 and the Misuse of Drugs Regulations 1977. The Bill will reclassify pseudoephedrine from a Class B2 controlled drug to a Class C3 (partially exempted) controlled drug. This reclassifies pseudoephedrine from “high risk of harm” to “moderate risk of harm”, with corresponding changes to maximum penalties for its unauthorised import, supply and possession.
4. We understand that changes are also proposed to the Medicine Regulations 1984 to reclassify pseudoephedrine from a prescription medicine to a restricted medicine, which would allow it to be sold by a pharmacist without the customer needing a prescription.
5. 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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