

Misuse of Drugs (Classification of Ephedrine and Pseudoephedrine) Order 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of December 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 4(1) of the Misuse of Drugs Act 1975, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and in accordance with a recommendation of the Minister of Health, makes the following order.

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Order

1 Title

This order is the Misuse of Drugs (Classification of Ephedrine and Pseudoephedrine) Order 2003.

2 Commencement

This order comes into force on a date to be specified in an Order in Council made under section 4A(1) of the Misuse of Drugs Act 1975.

Misuse of Drugs (Classification of Ephedrine and Pseudoephedrine) Order 2003: brought into force, on 15 October 2004, by the Misuse of Drugs (Classification of Ephedrine and Pseudoephedrine) Order Commencement Order 2004 (SR 2004/316).

3 Schedule 3 amended

(1) Part 3 of Schedule 3 of the Misuse of Drugs Act 1975 is amended by adding the following clause:

“6 Preparations of pseudoephedrine, its salts, isomers, esters, and ethers (if any), and the salts of its isomers, esters, and ethers (if any), being preparations—

“(a) in solid or liquid form; and

“(b) containing not more than 60 mg of pseudoephedrine per dosage unit; and

“(c) containing either a single ingredient or being in combination with other pharmacologically active ingredients, being ingredients that are not named or described in Schedule 1 or 2 or in Parts 1, 2, 4, or 5 of this schedule.”

(2) Clause 1 of Part 5 of Schedule 3 of the Misuse of Drugs Act 1975 is amended by inserting, in the appropriate alphabetical order, the following items:

“EPHEDRINE.

“PSEUDOEPHEDRINE (other than a preparation referred to in clause 6 of Part 3 of this schedule).”

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order adds ephedrine and pseudoephedrine to Schedule 3 of the Misuse of Drugs Act 1975. Substances listed in Schedule 3 of that Act are classified as Class C drugs (posing a moderate risk of harm). Ephedrine and pseudoephedrine are both used in the illegal manufacture of methamphetamine.

Drugs classified under Part 5 of Schedule 3 are available only by prescription, and have a number of other restrictions applying to them. Drugs classified under Part 3 are available without prescription, but are still subject to significant restrictions, such as import and export controls. At present, certain cough and decongestant medicines that contain pseudoephedrine are available, without a prescription, as pharmacy medicines. In order to ensure that these medicines remain available without a prescription, certain pseudoephedrine preparations are classified under Part 3 of Schedule 3. Regulations under section 37 of the Misuse of Drugs Act 1975 will be made that impose restrictions on the manner in which those preparations may be supplied by pharmacists. All other forms of pseudoephedrine, along with ephedrine, are classified under Part 5 of Schedule 3.

This order cannot come into force without the approval of the House of Representatives. If that approval is given, the order will come into force on a date specified in a separate commencement order.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 11 December 2003.

This order is administered in the Ministry of Health.
