

## **Misuse of Drugs (Classification of Fantasy) Order 2001**

Silvia Cartwright, Governor-General

### **Order in Council**

At Wellington this 10th day of December 2001

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to subsections (1) and (4) of section 4 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 Fantasy) Order 2001.

### 2 Commencement

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

### 3 Schedule 2 amended

(1) Part 1 of Schedule 2 of the Misuse of Drugs Act 1975 is amended by adding the following clause:

“6 The substance gamma-hydroxybutyrate (**GHB**) (commonly known as fantasy) and—

“(a) the esters, ethers, and amides of GHB; and

“(b) all substances from which GHB can be derived, including (without limitation)—

“(i) 1,4-butanediol:

“(ii) gamma-aminobutyric acid:

“(iii) gamma-butyrolactone:

“(iv) gamma-hydroxybutyraldehyde; and

“(c) the salts of GHB (including sodium oxybate) and the salts of any substance referred to in paragraph (a) or paragraph (b); and

“(d) any substance, preparation, or mixture containing any proportion of GHB or any substance referred to in any of paragraphs (a) to (c).”

(2) Part 1 of Schedule 2 of the Misuse of Drugs Act 1975 is consequently amended by—

(a) inserting in clause 2, after the words “isomers of the substances mentioned in”, the words “clause 1 of”:

(b) inserting in clause 3, after the words “ethers of the substances mentioned in”, the words “clause 1 of”:

(c) inserting in clause 4, after the words “salts of the substances mentioned in”, the words “clause 1 of”.

Marie Shroff,  
Clerk of the Executive Council.

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### **Explanatory note**

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

This order adds the drug commonly known as “fantasy” to Part 1 of Schedule 2 of the Misuse of Drugs Act 1975. The effect of this is to classify fantasy a Class B controlled drug.

Fantasy (also known as GHB (gamma-hydroxybutyrate)) is a designer drug that has a number of chemically related substances that convert into GHB once in the human body. Because of this unusual characteristic, it is necessary to include in the classification not only the basic chemical substance (GHB), but also other substances that turn into fantasy once in the human body.

The classification of fantasy as a Class B controlled drug follows a recommendation to the Minister of Health by the Expert Advisory Committee of Drugs, which is established under section 5AA of the Misuse of Drugs Act 1975.

This order comes into force on a date to be set by a commencement order made under section 4A of the Misuse of Drugs Act 1975. That section provides that the commencement order may be made only after the House of Representatives has approved this classification order. Approval cannot be given until at least 28 days after the date on which this order is notified in the *Gazette*.

By a sessional order of the House of Representatives made on 16 November 2000, the House agreed that a notice of motion to approve a classification order stands referred to the Health Committee of the House. That Committee must report to the House within 28 days of the notice of motion being lodged.

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

Date of notification in *Gazette*: 13 December 2001.

This order is administered by the Ministry of Health.

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