



ANALYSIS

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1996, No. 133

An Act to amend the Misuse of Drugs Act 1975

[2 September 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Misuse of Drugs Amendment Act 1996, and shall be read together with and deemed part of the Misuse of Drugs Act 1975 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “controlled drug”, and substituting the following definition:

“‘Controlled drug’ means any substance, preparation, mixture, or article specified or described in the First Schedule, the Second Schedule, or the Third Schedule to this Act; and includes any controlled drug analogue.”.

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “carrier”, the following definitions:

“‘Class A controlled drug’ means the controlled drugs specified or described in the First Schedule to this Act;

“‘Class B controlled drug’ means the controlled drugs specified or described in the Second Schedule to this Act:

“‘Class C controlled drug’ means the controlled drugs specified or described in the Third Schedule to this Act; and includes any controlled drug analogue.”.

3. Dealing with controlled drugs—Section 6 (6) (d) of the principal Act is hereby amended by omitting the words “First Schedule”, and substituting the words “Second Schedule”.

4. Exemptions from sections 6 and 7—Section 8 (3) (a) of the principal Act is hereby amended by omitting the expression “Part IV, Part V, or”.

5. Application of Customs Act 1966—Section 36 of the principal Act is hereby amended by omitting the expression “Part IV, Part V, or”.

6. Amendments to First Schedule—(1) The First Schedule to the principal Act is hereby amended by omitting, from clause 1, the items relating to the following substances:

- (a) 4-BROMO-2, 5-DIMETHOXYAMPHETAMINE (2-amino-1-(4-bromo-2, 5-dimethoxyphenyl) propane):
- (b) 2, 5-DIMETHOXYAMPHETAMINE:
- (c) 4-METHOXYAMPHETAMINE:
- (d) TETRAHYDROCANNABINOLS:
- (e) 3, 4, 5-TRIMETHOXYAMPHETAMINE.

(2) The First Schedule to the principal Act is hereby amended by omitting the item relating to 3-METHOXY-4,5-METHYLENEDIOXYAMPHETAMINE, and substituting the following item:

“3-METHOXY-4,5-METHYLENEDIOXYAMPHETAMINE
(2-amino-1-(3-methoxy-4,5-methylenedioxyphenyl)
propane) (also known as MMDA).”

(3) The First Schedule to the principal Act is hereby amended by inserting in clause 1, in their appropriate alphabetical order, the following items:

- “DMA (2-amino-1-(2,5-dimethoxyphenyl)propane).
- “DOB (2-amino-1-(4-bromo-2,5-dimethoxyphenyl)propane)
(also known as bromo-DMA).
- “LYSERGIC ACID (essential precursor for manufacture of LSD).
- “2-METHOXY-4,5-METHYLENEDIOXYAMPHETAMINE
(2-amino-1-(2-methoxy-4,5-methylenedioxyphenyl)
propane) (also known as MMDA or MMDA-2).
- “PMA (2-amino-1-(4-methoxyphenyl)propane).

"TMA (2-amino-1-(3,4,5-trimethoxyphenyl)propane)."

7. Amendments to Second Schedule—(1) Part I of the Second Schedule to the principal Act is hereby amended by inserting in clause 1, after the item relating to opium, the following item:

"TETRAHYDROCANNABINOLS, except when contained in a Class C controlled drug."

(2) Part II of the Second Schedule to the principal Act is hereby amended by omitting, from clause 1 (as substituted by section 9 (2) of the Misuse of Drugs Amendment Act (No. 2) 1987), the item relating to norpseudoephedrine, and substituting the following item:

"NORPSEUDOEPHEDRINE (*threo*-2-amino-1-hydroxy-1-phenylpropane), including cathine."

(3) Part II of the Second Schedule to the principal Act is hereby amended by inserting in clause 1 (as so substituted), in their appropriate alphabetical order, the following items:

"4-METHYLAMINOREX (*cis*-2-amino-4-methyl-5-phenyl-2-oxazoline).

"N-ETHYL MDA (2-ethylamino-1-(3,4-methylenedioxyphe nyl)propane).

"N-HYDROXY MDA (2-hydroxyamino-1-(3,4-methylenedioxyphe nyl)propane)."

(4) Part III of the Second Schedule to the principal Act is hereby amended by inserting in clause 1, in their appropriate alphabetical order, the following items:

"ACETYL- α -METHYLFENTANYL (*N*[1-(α -methylphenethyl)-4-piperidyl] acetanilide).

" β -FLUOROFENTANYL (4'-fluoro-*N*-1-(phenethyl-4-piperidyl) propionanilide).

" β -HYDROXYFENTANYL (*N*[1-(β -hydroxyphenethyl)-4-piperidyl] propionanilide).

" β -HYDROXY-3-METHYLFENTANYL (*N*[1-(β -hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide).

"1-METHYL-4-PHENYL-4-PIPERIDINOL.

" α -METHYLFENTANYL (*N*[1-(α -methylphenethyl)-4-piperidyl] propionanilide).

" α -METHYLTHIOFENTANYL (*N*[1-(1-methyl-2-(2-thienyl)ethyl)-4-piperidyl]propionanilide).

"3-METHYLFENTANYL (*N*[3-methyl-1-phenethyl-4-piperidyl] propionanilide).

"3-METHYLTHIOFENTANYL (*N*[3-methyl-1-(2-(2-thienyl)ethyl)-4-piperidyl]propionanilide).

"MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester)).

"PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester)).
"1-PHENETHYL-4-PHENYL-4-PIPERIDINOL.
"REMIFENTANIL (1-(2-methoxycarbonyl-ethyl)-4-(phenyl-propionyl-amino)-piperidine-4-carboxylic acid methyl ester).
"THIOFENTANYL (N-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)."

8. Amendments to Third Schedule—(1) Part II of the Third Schedule to the principal Act is hereby amended by inserting, after the item relating to codeine, the following item:

"DIHYDROCODEINE; its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation, or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt, other than a preparation or mixture named or described in Part IV of this Schedule."

(2) Part III of the Third Schedule to the principal Act is hereby amended by omitting, from clause 1, the item relating to dihydrocodeine.

(3) Part IV of the Third Schedule to the principal Act is hereby amended by inserting in clause 1, in their appropriate alphabetical order, the following items:

"ALLOBARBITAL (5,5-diallylbarbituric acid).
"BUTALBITAL (5-allyl-5-isobutylbarbituric acid).
"SECBUTABARBITAL (5-sec-butyl-5-ethylbarbituric acid).
"VINYLBITAL (5-(1-methylbutyl)-5-vinylbarbituric acid)."

(4) Part VII of the Third Schedule to the principal Act (as added by section 10 of the Misuse of Drugs Amendment Act (No. 2) 1987) is hereby amended by inserting in paragraph (c) of the item relating to fentanyl analogues, after the expression "cyclic radicals)", the expression "and/or halogen radicals,".

9. Revocation—Clause 3 of the Misuse of Drugs Order (No. 2) 1978 (S.R. 1978/249) is hereby consequentially revoked.