Version
as at 1 October 2023

Misuse of Drugs (Classification and Presumption of Supply) Order 2022

(SL 2022/35)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 21st day of February 2022

Present:
Her Excellency the Governor-General in Council

This order is made under section 4(1) and (1B) of the Misuse of Drugs Act 1975—

(a) on the advice and with the consent of the Executive Council; and

(b) on the recommendation of the Minister of Health made after complying with section 4B of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry of Health.

6 Schedule 3 amended 3
7 Schedule 4 amended 3
8 Schedule 5 amended 4

Order

1 Title

This order is the Misuse of Drugs (Classification and Presumption of Supply) Order 2022.

2 Commencement

This order comes into force on a date appointed by the Governor-General by Order in Council made under section 4A(1) of the Misuse of Drugs Act 1975.

Clause 2: clauses 1–4, 5(1) (except to the extent that it relates to fentanyl only) and (2), 6(1), and 7–8 brought into force, on 15 December 2022, by clause 2(1) of the Misuse of Drugs (Classification and Presumption of Supply) Commencement Order 2022 (SL 2022/292).

Clause 2: clauses 5(1) (to the extent that it relates to fentanyl only) and (3), and 6(3) brought into force, on 1 July 2023, by clause 2(2) of the Misuse of Drugs (Classification and Presumption of Supply) Commencement Order 2022 (SL 2022/292).

Clause 2: clause 6(2) brought into force, on 1 October 2023, by clause 2(3) of the Misuse of Drugs (Classification and Presumption of Supply) Commencement Order 2022 (SL 2022/292).

3 Amendments to Misuse of Drugs Act 1975

Clauses 4 to 8 amend the Misuse of Drugs Act 1975.

4 Schedule 1 amended

In Schedule 1, clause 1, insert in their appropriate alphabetical order:

Acetylfentanyl

Acryloylfentanyl

Amides and carbamates of methamphetamine

α-Pyrrolidinovalerophenone (α-PVP)

Butyrfentanyl

Carfentanil

Cyclopropylfentanyl

4-Fluoroisobutyrfentanyl (4-FIBF)

Furanylfentanyl

Methoxyacetylfentanyl

Ocfentanil

Tetrahydrofuranylfentanyl (THF-F)

U-47700

U-48800

U-49900

5 Schedule 2 amended

(1) In Schedule 2, Part 1, clause 1, insert in their appropriate alphabetical order:

AB-CHMINACA

AB-FUBINACA

AB-PINACA

5F-AKB-48

AM-2201

Ethylone

Fentanyl

JWH-018

MDMB-CHMICA

MT-45

N-ethyl pentylone

Para-methoxymethylamphetamine (PMMA)

5F-PB-22

UR-144

XLR-11

(2) In Schedule 2, Part 2, clause 1, insert in their appropriate alphabetical order:

Lisdexamfetamine

Mephedrone

Methylone

(3) In Schedule 2, Part 3, clause 1, delete "Fentanyl (1-phenethyl-4-(*N*-propionylanilino)piperidine)".

6 Schedule 3 amended

(1) In Schedule 3, Part 1, clause 2, insert in its appropriate alphabetical order:

Flubromazolam

(2) In Schedule 3, Part 2, insert in its appropriate alphabetical order:

Tramadol

(3) In Schedule 3, Part 5, clause 1, insert in their appropriate alphabetical order:

Zolpidem

Zopiclone

7 Schedule 4 amended

(1) In Schedule 4, Part 1, clause 1, insert in their appropriate alphabetical order:

Norfentanyl and its salts

N-phenyl-1-(2-phenylethyl)piperidin-4-amine

N-phenyl-4-piperidinamine and its salts

1-phenethyl-4-piperidone (NPP) and its salts

1-phenethylpiperidin-4-ylidenephenylamine and its salts

4-piperidone and its salts

Propionyl chloride

(2) In Schedule 4, Part 2, clause 1, insert in their appropriate alphabetical order:

Hydriodic acid

Hypophosphorous acid

Iodine

Phosphorous acid

Red phosphorus

8 Schedule 5 amended

In Schedule 5, clause 1, insert in their appropriate alphabetical order:

Ethylone and N-ethyl pentylone	5 grams or 100 doses, whether or not contained in a substance, preparation, or mixture, or 25 flakes, tablets, capsules, or other drug forms, each containing some quantity of the drug
Fentanyl analogues specified in Schedule 1	0.5 grams, whether or not contained in a substance, preparation, or mixture, or 25 flakes, tablets, capsules, or other drug forms, each containing some quantity of the drug
Para-methoxymethylamphetamine (PMMA)	5 grams, whether or not contained in a substance, preparation, or mixture
Synthetic cannabinoids specified in Part 1 of Schedule 2	250 milligrams, whether or not contained in a substance, preparation, or mixture, except when contained in plant material, and 28 grams for plant material containing any of the specified synthetic cannabinoids
Synthetic opioids specified in Schedule 1	0.5 grams whether or not contained in a substance, preparation, or mixture

Clause 8: amended, on 15 December 2022, by clause 4 of the Misuse of Drugs (Classification and Presumption of Supply) Amendment Order 2022 (SL 2022/293).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 February 2022.

Notes

1 General

This is a consolidation of the Misuse of Drugs (Classification and Presumption of Supply) Order 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Misuse of Drugs (Classification and Presumption of Supply) Amendment Order 2022 (SL 2022/293)

Misuse of Drugs (Classification and Presumption of Supply) Commencement Order 2022 (SL 2022/292)

Wellington, New Zealand:

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