

**Reprint  
as at 1 May 2012**



**Misuse of Drugs (Classification of  
Tapentadol) Order 2011**  
(SR 2011/247)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 11th day of July 2011

Present:

The Right Hon John Key presiding in Council

Pursuant to section 4(1) of the Misuse of Drugs Act 1975, His 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.

**Contents**

		Page
1	Title	2
2	Commencement	2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This order is administered by the Ministry of Health.**

3 Schedule 2 of Misuse of Drugs Act 1975 amended 2

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## Order

### 1 Title

This order is the Misuse of Drugs (Classification of Tapentadol) Order 2011.

### 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: this order brought into force, on 1 May 2012, by the Misuse of Drugs (Classification of Tapentadol) Order Commencement Order 2012 (SR 2012/41).

### 3 Schedule 2 of Misuse of Drugs Act 1975 amended

Clause 1 of Part 3 of Schedule 2 of the Misuse of Drugs Act 1975 is amended by inserting the following item in its appropriate alphabetical order: “**Tapentadol** (3-[(1R,2R)-3-(dimethylamino)-1-ethyl-2-methylpropyl]phenol hydrochloride)”.

Rebecca Kitteridge,  
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 classifies the drug tapentadol as a class B3 controlled drug by including tapentadol in Part 3 of Schedule 2 of the Misuse of Drugs Act 1975 (the Act).

The classification follows recommendations to the Minister of Health by the Expert Advisory Committee on Drugs, which is established under section 5AA of the Act. The effect of classifying tapentadol as a class B controlled drug is to make it an offence punishable by a

maximum term of imprisonment of 14 years to deal with tapentadol without authority, for example, by supplying, producing, or importing it. Its inclusion in Part 3 of Schedule 2 of the Act means that ministerial approval is not required for any authorised use of the drug for medical purposes.

This order comes into force on a date to be set by a commencement order made under section 4A(1) of the Act. That section provides that the commencement order may be made only after the House of Representatives has approved this order. Approval cannot be given until at least 28 days after the date on which this order is notified in the *Gazette*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 14 July 2011.

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**Contents**

- 1 General
  - 2 Status of reprints
  - 3 How reprints are prepared
  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
  - 5 List of amendments incorporated in this reprint (most recent first)
- 

**Notes****1 General**

This is a reprint of the Misuse of Drugs (Classification of Tapentadol) Order 2011. The reprint incorporates all the amendments to the order as at 1 May 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5 *List of amendments incorporated in this reprint (most recent first)***

Misuse of Drugs (Classification of Tapentadol) Order Commencement Order 2012 (SR 2012/41)

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