



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

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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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.

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-ylidenephethylamine 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 3	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

Michael Webster,
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 amends Schedules 1 to 5 of the Misuse of Drugs Act 1975 (the **Act**).

The list of Class A controlled drugs in Schedule 1 is amended to include amides and carbamates of methamphetamine, α -Pyrrolidinovalerophenone (α -PVP), specified fentanyl analogues, and specified synthetic opioids.

The list of Class B controlled drugs in Part 1 of Schedule 2 is amended to include specified synthetic cannabinoids, ethylone, fentanyl, MT-45, N-ethyl pentylone, and para-methoxymethylamphetamine (PMMA).

The list of Class B controlled drugs in Part 2 of Schedule 2 is amended to include lisdexamfetamine, mephedrone, and methylone.

The list of Class B controlled drugs in Part 3 of Schedule 2 is amended to remove fentanyl (1-phenethyl-4-(N-propionylanilino)piperidine).

The list of Class C controlled drugs in Part 1 of Schedule 3 is amended to include flubromazolam.

The list of Class C controlled drugs in Part 2 of Schedule 3 is amended to include tramadol.

The list of Class C controlled drugs in Part 5 of Schedule 3 is amended to include zolpidem and zopiclone.

The list of precursor substances in Part 1 of Schedule 4 is amended to include specified precursor substances of fentanyl.

The list of precursor substances in Part 2 of Schedule 4 is amended to include specified precursor substances of methamphetamine.

The amounts, levels, and quantities at which controlled drugs are presumed to be for supply are specified in Schedule 5. This order amends Schedule 5 to include specifications for specified synthetic cannabinoids, specified fentanyl analogues, specified synthetic opioids, ethylone and N-ethyl pentylone, and para-methoxymethylamphetamine (PMMA).

The amendments in this order follow a recommendation to the Minister of Health by the Expert Advisory Committee on Drugs established under section 5AA of the Act.

This order comes into force on a date to be set by a commencement order made under section 4A(1) of the Act. Section 4A(2) provides that the commencement order may be made only after the House of Representatives has approved this order. Section 4A(3)(a) states that approval cannot be given until at least 28 days after the date on which this order is notified in the *Gazette*.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 24 February 2022.

This order is administered by the Ministry of Health.