Misuse of Drugs Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 7th day of August 2017

Present:
Her Excellency the Governor-General in Council

These regulations are made under section 37 of the Misuse of Drugs Act 1975 on the advice and with the consent of the Executive Council.

Contents

Regulations

1 Title

These regulations are the Misuse of Drugs Amendment Regulations 2017.

2 Commencement

These regulations come into force on 7 September 2017.

3 Principal regulations

These regulations amend the Misuse of Drugs Regulations 1977 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

In regulation 2(1), insert in its appropriate alphabetical order:

CBD product means a product that—

(a) contains cannabidiol; and

(b) if it contains other cannabinoids usually found in cannabis, contains those cannabinoids in a quantity that, in total, constitutes no more than 2% of the total quantity of cannabinoids in the product; and

(c) does not contain any other controlled drug; and

(d) does not contain a psychoactive substance (as defined in section 9 of the Psychoactive Substances Act 2013)

5 New regulation 14A inserted (Authority to import CBD products)

After regulation 14, insert:

14A Authority to import CBD products

A medical practitioner, a person who holds a licence to operate a pharmacy under the Medicines Act 1981, or a person who holds a licence to deal in controlled drugs under the Act may—

(a) import a CBD product; and

(b) possess or supply a CBD product that the person imports.

6 Regulation 22 amended (Restriction on supply of certain controlled drugs)

After regulation 22(2)(b), insert:

(c) a CBD product.

7 Regulation 28 amended (Custody of controlled drugs)

(1) After regulation 28(4)(e), insert:

(f) a CBD product.

(2) After regulation 28(4), insert:

(4A) This regulation does not apply in respect of the possession of a product by a person who holds a licence to operate a pharmacy under the Medicines Act 1981 if the product—

(a) contains cannabidiol; and

(b) contains no more than 27 milligrams of tetrahydrocannabinol per millilitre of the product; and

(c) has consent for distribution under the Medicines Act 1981; and

(d) requires refrigeration to ensure its efficacy.

8 Regulation 29 amended (General requirements in relation to prescriptions)

After regulation 29(1), insert:

(1A) However, subclause (1) does not apply in respect of a prescription for the supply of a CBD product.

9 Regulation 31A amended (Exceptions to restrictions in regulation 31(1))

In regulation 31A(2), after "1 month", insert "or, in the case of a CBD product, 3 months".

10 Regulation 48 amended (Exemptions from Part 6)

After regulation 48(2), insert:

(3) Nothing in this Part applies in respect of a CBD product.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 7 September 2017, amend the Misuse of Drugs Regulations 1977 (the **principal regulations**).

Most of the amendments apply in respect of products that contain cannabidiol but do not contain, or contain only small quantities of, other cannabinoids usually found in cannabis (**CBD products**). Those amendments—

- allow a medical practitioner, a person who holds a licence to operate a pharmacy under the Medicines Act 1981, or a person who holds a licence to deal in controlled drugs under the Act to import a CBD product without a licence to import the product and to possess and supply that CBD product:
- allow CBD products to be supplied, administered, or prescribed without the approval of the Minister of Health:

- except CBD products from the storage requirements that apply to other controlled drugs:
- except prescriptions for CBD products from the requirement to be on an approved form that applies to prescriptions for other controlled drugs:
- allow CBD products to be prescribed in a quantity sufficient for use for a period of 3 months:
- except CBD products from the requirements of Part 6 of the principal regulations (which relate to record keeping and returns).

In addition, these regulations except certain other products that contain cannabidiol but are not CBD products from the storage requirements that apply to other controlled drugs if the products are in the possession of a person who holds a licence to operate a pharmacy under the Medicines Act 1981.

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