



Land Transport (Oral Fluid Samples) Regulations 2025

Cindy Kiro, Governor-General

Order in Council

At Wellington this 10th day of November 2025

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 167(1)(la) and (lb) of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Land Transport (Oral Fluid Samples) Regulations 2025.

2 Commencement

These regulations come into force on 15 December 2025.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Land Transport Act 1998

oral fluid collection container means a container used to collect an oral fluid sample

oral fluid collection kit means a kit that includes all of the following:

- (a) an oral fluid collection container;
- (b) a buffer solution;
- (c) an oral fluid sample collection pad

oral fluid sample collection pad means a stick with a swab at the end used to take an oral fluid sample.

Procedure for obtaining oral fluid sample

4 Procedure for enforcement officer obtaining oral fluid sample

- (1) An enforcement officer must follow the procedure specified in subclause (2) in the following circumstances:
 - (a) when obtaining an elective oral fluid sample for the purpose of section 71DC(2)(b) of the Act;
 - (b) when obtaining an oral fluid sample for the purpose of section 71DE(2)(b) of the Act.
- (2) The enforcement officer must—
 - (a) check that the packaging of the oral fluid collection kit is not damaged and that any expiry date has not passed; and
 - (b) discard the oral fluid collection kit if any damage to the packaging is apparent or if any expiry date has passed; and
 - (c) check that the contents of the oral fluid collection kit are not damaged and discard the oral fluid collection kit if any damage is apparent; and
 - (d) give the person the oral fluid sample collection pad and explain to them how to use it; and

- (e) after the person has used the oral fluid sample collection pad, collect it from the person; and
- (f) check that, to the extent that is reasonably practicable, sufficient oral fluid has been obtained for the purpose of section 71DC(2)(b) or 71DE(2)(b) of the Act, as applicable.

Procedures for handling, retaining, transferring, or disposing of oral fluid sample

5 Procedure for enforcement officer handling, retaining, transferring, or disposing of oral fluid sample

Handling, retaining, or transferring oral fluid sample

- (1) An enforcement officer must follow the procedure specified in subclause (2) when handling, retaining, or transferring an oral fluid sample for the purposes of section 71AAB of the Act.
- (2) The enforcement officer must, as soon as is reasonably practicable after obtaining the oral fluid sample,—
 - (a) place the oral fluid sample collection pad in the oral fluid collection container; and
 - (b) close the oral fluid collection container and secure it with a tamper-evident security seal; and
 - (c) arrange for the oral fluid collection container to be delivered or posted to an approved laboratory in accordance with section 71DA(2), 71DB(4)(b), or 71DD(4) of the Act.

Disposing of oral fluid sample

- (3) An enforcement officer must follow the procedure specified in subclause (4) when disposing of an oral fluid sample for the purpose of section 71AAB of the Act if—
 - (a) the oral fluid sample is not required for analysis; or
 - (b) the oral fluid sample is not sufficient for analysis.
- (4) The enforcement officer must dispose of the oral fluid sample as secure biohazard waste as soon as is reasonably practicable after they determine that the oral fluid sample is not required for analysis or is not sufficient for analysis.

6 Procedure for approved analyst handling, retaining, or disposing of oral fluid sample

- (1) An approved analyst must follow the procedure specified in subclause (2) when handling, retaining, or disposing of an oral fluid sample for the purposes of section 71DG(2)(c) of the Act.
- (2) The approved analyst must—

- (a) ensure that the oral fluid sample is refrigerated or frozen on receipt, unless the oral fluid sample is to be analysed immediately; and
- (b) dispose of the oral fluid sample as secure biohazard waste as follows:
 - (i) if the oral fluid sample produced a positive result, it must be disposed of no sooner than 6 months after it was received at the approved laboratory;
 - (ii) if the oral fluid sample did not produce a positive result, it must be disposed of as soon as is reasonably practicable after it is analysed.

7 Procedure for approved analyst transferring oral fluid sample

- (1) An approved analyst must follow the procedure specified in subclause (2) when required to transfer all or part of an oral fluid sample to a private analyst under section 71DF(3)(b) of the Act.
- (2) The approved analyst must—
 - (a) ensure that the required sample is in a suitable container; and
 - (b) ensure that the container is sealed with a tamper-evident security seal; and
 - (c) arrange for the container to be delivered or posted to the private analyst.

8 Procedure for private analyst handling, retaining, or disposing of oral fluid sample

- (1) A private analyst must follow the procedure specified in subclause (2) when handling, retaining, or disposing of an oral fluid sample for the purposes of section 71DG(3) of the Act.
- (2) The private analyst must—
 - (a) ensure that the oral fluid sample is refrigerated or frozen on receipt, unless the oral fluid sample is to be analysed immediately; and
 - (b) dispose of the oral fluid sample as secure biohazard waste as soon as is reasonably practicable after it is analysed.

Rachel Hayward,
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 come into force on 15 December 2025.

These regulations prescribe procedures to be followed by enforcement officers, approved analysts, and private analysts who obtain, handle, retain, transfer, or dispose of oral fluid samples under the Land Transport Act 1998 (the **Act**), as amended by the Land Transport (Drug Driving) Amendment Act 2025 (the **amendment Act**). The amendment Act will come into force at the same time as these regulations.

The procedures prescribed by these regulations are as follows:

- the procedure for an enforcement officer when obtaining an elective fluid sample or an oral fluid sample that is required to be provided under the Act:
- the procedure for an enforcement officer when handling, retaining, transferring, or disposing of an oral fluid sample:
- the procedure for an approved analyst when handling, retaining, or disposing of an oral fluid sample:
- the procedure for an approved analyst when transferring an oral fluid sample:
- the procedure for a private analyst when handling, retaining, or disposing of an oral fluid sample.

Issued under the authority of the Legislation Act 2019.

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These regulations are administered by the Ministry of Transport.