

**ADVICE TO
THE EXPERT ADVISORY COMMITTEE ON DRUGS
ON:**

NOREPHEDRINE

April 2010

Prepared by the Ministry of Health

Purpose

Following consideration of norephedrine at meetings of the EACD in June 2007, November 2008 and May 2009, the Committee agreed to recommend to the Minister of Health that norephedrine be classified in Schedule 4 and in Schedule 2, Part 2 of the Misuse of Drugs Act (MoDA). The Minister has directed the Ministry of Health to proceed with the Schedule 4 classification and requested further advice from the EACD before agreeing to the Schedule 2 classification. The purpose of this paper is to provide the EACD with some new information so that the Committee can further discuss norephedrine and consider whether it is appropriate to provide advice to the Minister regarding the Schedule 2 classification.

Background

In June 2007, the EACD discussed the evidence available regarding norephedrine. The Committee agreed not to recommend a classification under the MoDA at that time and requested Police to monitor seizures over a 12 month period to determine whether there was any evidence of norephedrine being used as a precursor substance in the manufacture of amphetamine. At this meeting members noted that norephedrine was a problem only because it was a precursor to amphetamine. It is not dangerous in itself, is not addictive, nor does it lead to psychosis or death.

In November 2008, the Committee again considered norephedrine. The Secretariat reported that there was no new evidence of norephedrine being used in New Zealand as a precursor substance in the manufacture of amphetamine.

The Committee also considered a letter from the National Drug Intelligence Bureau (NDIB) reminding the EACD that, as norephedrine was scheduled under the UN drug conventions, New Zealand might be in breach of its obligations if it did not schedule norephedrine. NDIB requested that the Committee consider recommending that norephedrine be included in Schedule 4 (precursor substances) of the MoDA.

The Committee agreed to recommend that norephedrine be classified both in Schedule 4 and also in Part 2 of Schedule 2 (Class B2). At a subsequent meeting in May 2009, the Committee agreed to recommend that the presumption for supply of norephedrine be set at the default level of 56 grams.

Update on the scheduling of norephedrine

On 9 August 2009, the Associate Minister of Health directed the Ministry of Health to proceed with the classification of norephedrine as a Schedule 4 precursor substance and requested that the EACD provide further advice before proceeding with the classification of norephedrine as a Class B2 controlled drug. The Minister also agreed that the level of norephedrine presumed to be for supply be set at or over the default amount of 56 grams.

The Minister proposes to schedule norephedrine by Order in Council and the Ministry of Health is currently preparing the Cabinet Paper and Regulatory Impact Statement for submission to the Cabinet Legislation Committee. A Notice of Motion will then be made for the Order in Council to be progressed by Parliament.

The Minister has requested further advice before proceeding with the classification as a Class B(2) controlled drug. The Secretariat has no further information about the harms of norephedrine but some additional information has been provided by NDIB about the presence of norephedrine in New Zealand. NDIB reports a recent increase in seizures of manufactured amphetamine, from 991.1g in 2008 to 4,047.7g in 2009. However, while norephedrine (or phenylpropanolamine) is known to be used as a precursor substance to amphetamine in some jurisdictions no substantive evidence for its diversion for this purpose is available in New Zealand.

NDIB also reports an increase in 2009 in the value of Propalin® imports, following a stable trend in recent years. The reason for this increase is unknown at this time. Propalin® is an animal remedy and is the trade name for phenylpropanolamine hydrochloride, which is described as a synonym for norephedrine in scientific literature from the United States. However, ESR has previously advised that the United States tend to use norephedrine and phenylpropanolamine as synonyms, though phenylpropanolamine can be taken to include both norephedrine and norpseudoephedrine

Propalin® is registered under the Agricultural Compound and Veterinary Medicines Act 1997 as a renal and urinary tract modifier and is imported and distributed to veterinarians by one supplier. As noted by the Committee previously, phenylpropanolamine is also listed as a prescription medicine under the Medicines Act 1981, however there are no medicines containing this substance currently on the New Zealand market.

Discussion

Under the proposed scheduling as a Schedule 4 precursor, New Zealand meets its obligations under the UN drug conventions to control norephedrine. Under section 12AB of the MoDA, it is an offence to import a precursor substance for the purposes of producing or manufacturing a controlled drug. The maximum penalty for an indictable offence under section 12AB is seven years imprisonment and one year imprisonment or a fine of \$1,000 for summary convictions. Section 12AC of the MoDA sets out the lawful purposes for which a precursor may be imported into New Zealand, which include agricultural, commercial or industrial purposes.

If the Minister agrees to proceed with scheduling norephedrine under Class B2 in addition to Schedule 4 of the MoDA, the penalties would include a maximum of 14 years imprisonment for importation, manufacture, sale or supply and three months or a \$500 fine for possession. The same penalties apply for amphetamine for which norephedrine is a potential precursor. There are some additional powers for Police for Class B controlled drugs including the power to conduct internal searches and obtain warrants for intercepting private communications. Police search and seizure powers under Section 18 would not be available as these only apply to Class B1 controlled drugs.

The legal importation of Class B controlled drugs requires a license from the Ministry of Health and a number of conditions including locked storage and controlled drug labelling. Ministerial approval is required for the prescription of Class B2 controlled drugs.

A B2 classification would likely require the concurrent removal of phenylpropanolamine as a prescription medicine in the Medicines Act. Consideration would also be required on the

continued status of phenylpropanolamine as a registered animal remedy under the Agricultural Compound and Veterinary Medicines Act.

Options

Option 1 : Reaffirm the previous recommendation to the Minister that norephedrine be scheduled as a Class B2 controlled drug in addition to a Schedule 4 precursor substance.

Option 2: Put the recommendation of a Class B2 on hold and monitor the presence of norephedrine in New Zealand under the Schedule 4 classification.