

1 August 2009

Hon Peter Dunne
Associate Minister of Health
Parliament Buildings
WELLINGTON

Dear Minister

Advice of the Expert Advisory Committee on Drugs regarding norephedrine

The Expert Advisory Committee on Drugs (the Committee) met on Thursday 13 November 2008 and again on Thursday 7 May 2009 to consider the substance norephedrine in accordance with section 4B(2) of the Misuse of Drugs Act (MoDA). The minutes from these meetings are attached.

In summary, the Committee's advice to you is that:

- norephedrine be classified in Part 2 of Schedule 2 (Class B2) and also Schedule 4 (Precursor Substances) of the MoDA
- the presumption for supply of norephedrine be set at the default amount of 56 grams.

Background

Norephedrine is structurally similar to norpseudoephedrine, which is scheduled as a Class B(2) controlled substance in the MoDA. Norephedrine is also analogous to ephedrine and pseudoephedrine, which are also scheduled in the MoDA as precursor substances.

Norephedrine is listed in Table I of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The Committee noted that this listing obligates New Zealand, as a signatory to the convention, to place controls around this substance.

Norephedrine is not manufactured in New Zealand and no pharmaceutical company is currently importing norephedrine products into New Zealand. The Committee noted that norephedrine is no longer widely used in pharmaceutical preparations.

Illegal use of norephedrine

Norephedrine can be used as a precursor for the manufacture of amphetamine, a Class B(1) controlled substance. At the meeting, the Committee was informed of an instance of a criminal group attempting to obtain a quantity of norephedrine from

unidentified premises, which suggests that there is knowledge of norephedrine's potential to be used as a precursor.

The Committee's advice regarding norephedrine

Norephedrine was previously considered by the Committee in June 2007 when it was agreed that there was insufficient evidence to recommend a classification and Police was requested to monitor seizures and report back to the Committee. At the meeting of 13 November 2008, the Committee considered three options for addressing the potential misuse of norephedrine, namely:

- 1) await the information requested from Police at the meeting of 28 June 2007, to monitor clandestine seizures for a 12 month period in order to determine whether there is any evidence that norephedrine is being used as a precursor substance in the manufacture of amphetamine, and other information being worked on by the NDIB;
- 2) review norephedrine in relation to the matters set out in section 4B(2) of the MoDA, including the international classification, and make a recommendation on the appropriate scheduling of norephedrine;
- 3) request the Secretariat to seek a legal opinion in regard to New Zealand's obligations under the 1988 Convention in the event of a substance being added to a Table to the 1988 Convention, irrespective of the risk and experience of the drug in the New Zealand context.

After consideration of the options, a consensus emerged that norephedrine has no therapeutic value and that therefore the only purpose for which it could conceivably be used in New Zealand at this time would be to manufacture amphetamine. The Committee noted that New Zealand's obligations under the UN Drug Conventions required the placing appropriate controls around this substance, although the Conventions are not prescriptive on the nature of those controls. The Committee agreed that there would only be a limited effect on industry should this substance be classified and that classification could have a deterrent effect for those trying to procure norephedrine. The Committee considered that, as norephedrine is structurally similar to norpseudoephedrine, it should be scheduled similarly, namely as a Class B(2) controlled drug.

Therefore the Committee's advice to you is:

- **that norephedrine be classified in Part 2 of Schedule 2 (Class B2) and also Schedule 4 (Precursor Substances) of the Misuse of Drugs Act 1975**
- **that the "default" presumption for supply of 56 grams is appropriate, as currently provided for in Schedule 5(2) of the Misuse of Drugs Act.**

The Committee also noted that, should you agree with the Committee's advice, veterinarians should be informed of your decision to classify norephedrine.

I would be pleased to discuss with you this advice or any issues arising.

Yours sincerely,

Ashley Bloomfield (Dr)
Chair
Expert Advisory Committee on Drugs

Enc:

1. Minutes of the Expert Advisory Committee on Drugs meetings of 13 November 2008 and 7 May 2009.
2. Assessment paper prepared by the Ministry of Health, considered at the Committee's 7 May 2009 meeting.

cc. Dr Janice Wilson, Deputy Director-General, Population Health