

EXPERT ADVISORY COMMITTEE ON DRUGS (EACD) TELECONFERENCE MEETING

Thursday, 30 August 2007, 2pm – 4pm
Ministry of Health, Rooms 4.01 & 4.02, 1 The Terrace, Wellington

MINUTES

EACD MEMBERS PRESENT

Dr Ashley Bloomfield (Chair)	Dr Helen Moriarty
Dr Keith Bedford	Gavin Jones
Dr Geoffrey Robinson	Rajesh Chhana
Professor Doug Sellman	Adrienne Fruean

SECRETARIAT ATTENDING

Olivia Tuatoko	Olivia Stapleton
Mark Heffernan	Martin Woodbridge
Matthew Andrews	Mick Alexander (NDIB)

INVITED GUESTS/EXPERTS

Win van der Velde	
-------------------	--

1. WELCOME and APOLOGIES

Dr Bloomfield welcomed members to the teleconference.

Apologies were received from Paul Campbell, Dr Stewart Jessamine, and Professor Tim Maling.

Acting Assistant Commissioner Gavin Jones outlined that he has still not been appointed by the Minister to attend these meetings as the Police representative and would like to nominate Detective Superintendent Win Van der Velde to represent the views of Police at future EACD meetings.

2. MATTERS ARISING FROM THE MEETING HELD 28 JUNE 2007

The minutes from the 3 May 2007 meeting and the 28 June 2007 were confirmed out of session and are currently available on the website.

2.1 Rational Drug Classification System. Item 5

Issue: Professor Sellman will keep developing the scale taking into consideration the comments made at the 28 June 2007 meeting.

Outcome: The scale is still being developed.

2.2 Norephedrine. Item 6

Issue: The Committee agreed to maintain the status quo and requested Secretariat to contact the Police to monitor clandestine seizures through 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.

Outcome: Police were contacted and informed that there would not be any additional testing as ESR will only test for norephedrine if Police find a *clan lab* manufacturing amphetamine.

3. DECLARATION OF CONFLICT OF INTEREST

No conflicts of interest were noted at this time.

4. TERMS OF REFERENCE

Issue: The Committee discussed the Terms of Reference and discussed any areas that may need to be updated.

Outcome: The Committee agreed that there were no areas that needed amending, however the Terms of Reference would be a good reference to have on hand at future meetings.

5. KETAMINE

Issue: The Secretariat provided a paper to initiate discussion by the EACD on an appropriate quantity at and over which possession of ketamine could be deemed to be for supply. Members noted that if the Committee did not recommend a specific level for this substance the presumption for supply amount would be set at the 'default' level of 56 grams.

Discussion: The Committee discussed the default level of 56 grams and agreed that in general, this was too large a quantity to be the default quantity for presumption for supply of a substance. The Committee acknowledged that the default amount of 56 grams may be a historic measurement that was likely established due to the metric conversion from ounces to grams (it equates to 2 ounces).

The Committee discussed making the amount parallel to the presumption for supply amount for BZP, which the Committee recommended be set at five grams. The Committee agreed that five grams was too low for ketamine, and that substances with a presumption for supply level set at five grams are most likely to pose a greater risk of harm in comparison to ketamine (e.g. morphine).

The Committee discussed what a reasonable level might be, taking into account the number of doses taken in a typical session. As ketamine has a relatively short half life, more of the substance may be taken over the course of one session in order to get a longer lasting effect. Consequently, the Committee agreed that five grams was too low for a presumption for supply level because recreational users may possess a substantial amount solely for personal recreational use.

The Committee agreed that the New South Wales 'trafficable quantity' of 7.5 grams could provide a reasonable bench-mark level.

The Committee discussed the penalties for supply and acknowledged that the Schedule and Class a substance is classified in determines an appropriate penalty for supply relative to the potential risk of harm the drug poses. It was also noted that the presumption for supply was only the 'default' presumption of being considered to be a dealer. A lower level of a drug found in possession can also represent dealing, if proved.

Outcome: The Committee carefully considered these different approaches and the impact of setting different levels for presumption for supply on both enforcement and recreational ketamine users. Having weighed up the different issues and approaches, the Committee agreed that it would be reasonable to recommend a threshold of 10 grams whether or not contained in a substance, preparation, or mixture.

Agreed:

That the EACD would recommend that the presumption for supply amount for ketamine be set at 10 grams, whether or not contained in a substance, preparation or mixture.

6. SALVIA DIVINORUM

Issue: The Secretariat provided papers on salvia divinorum to initiate discussion amongst the members on the appropriateness of recommending legislative controls on this substance.

Discussion: The Committee discussed salvia divinorum, noting that it had received some media attention recently, and numerous jurisdictions are now considering legislative controls. The Committee also considered that the classification of BZP might result in 'legal high' retailers looking for alternative substances, such as salvia divinorum, and that consideration of this substance was warranted.

With the information provided by the Secretariat the Committee outlined the three options;

- 1) Monitor the use and harms of this substance and note that the pending review of the Misuse of Drugs Act may provide for better control of this substance in due course.

- 2) Provide advice that salvia divinorum be classified as a Restricted Substance under the Misuse of Drugs Amendment Act 2005 in order for restrictions to be placed on the advertising and age of purchase of the substance while further monitoring is undertaken.
- 3) Provide advice that salvia divinorum be classified as a controlled drug under the Schedules of the Misuse of Drugs Act 1975.

The Committee noted that available information indicates that the prevalence of use of this substance is low. Members were concerned that recognition and use of salvia divinorum is likely to increase with media coverage and that any advice given should also flag that a low profile approach in controlling the substance is preferable.

The Committee discussed the potency of salvia divinorum and were advised that, based on the molecular weight of the molecule, the active constituent of salvia divinorum is arguably more potent than LSD. Members were also advised that the effects of salvia divinorum are considerably shorter lasting than that of LSD and a large portion of the substance potency may be lost in administration of the drug. The Committee expressed concerns with the use of this substance by younger populations and agreed that it would be appropriate to recommend some controls to limit the availability of preparations of salvia divinorum to people 18 years or over.

The Committee discussed the effect that a potential class C classification would have on agencies with enforcement responsibilities. It was not envisaged that there would be significant resource implications for New Zealand Police should the Committee recommend to control this substance.

Outcome: After careful consideration the Committee agreed that salvia divinorum had a potential to cause harm. The EACD agreed to recommend that salvia divinorum be classified as a Restricted Substance under the Misuse of Drugs Amendment Act 2005 while further research into the prevalence and harms of the substance is undertaken. The Committee further agreed that it must stress the importance of a low profile approach to this classification as increased media coverage would likely lead to an increased risk of harm resulting from a heightened awareness of this substance.

Agreed:

That the EACD would recommend salvia divinorum be classified as a Restricted Substance under the Misuse of Drugs Amendment Act 2005.

7. UPDATE ON DRUGS FOR REVIEW

Issue: The Committee requested the Secretariat provide a summary on what was discussed at previous meetings.

Discussion: The Committee discussed the various substances that were noted in the paper, advising the Secretariat that some were already covered by the controlled drug analogues, or that they no longer need any further action.

The Committee noted some of the substances would be captured by the review of the Misuse of Drugs Act (MODA), which provides a good opportunity to address apparent anomalies previously identified by the Committee, and to revise which substances were needed to be classified to meet obligations under International Conventions.

The Committee requested the Secretariat to send a follow up letter to the New Zealand distributor of pentazocine regarding what impact a possible classification would have.

Action:

The Secretariat to follow up, by the next EACD meeting, on the impact that a possible classification of pentazocine would have on the suppliers.

8. GENERAL BUSINESS

Issue: Misuse of Drugs Act Review

Outcome: The Committee discussed the request that the Law Commission review the Misuse of Drugs Act, which is due in September 2008.

At the next meeting there will be an opportunity for the EACD to provide input into the Review. Material will be provided so that the Committee can prepare for this meeting.

Issue: Attorney General declaration on the Bill of Rights Act (BORA) in relation to BZP presumption for supply.

Outcome: The Committee was updated on the declaration of the Attorney General in relation to the pending BZP classification. It was found that the presumption for supply (and therefore the Bill) is inconsistent with the BORA and cannot be justified, however the Attorney General acknowledges the need to classify BZP and the provisions for a presumption level under the existing legislation. He also notes the pending review of the MODA, which will *inter alia* address the issue of consistency of the legislation with the BORA.

Issue: Topics to be discussed at future meetings

Outcome: The Committee discussed future topics and requested from the Secretariat further information on Buprenorphine and Tramadol for the next meeting. Due to a move towards these substances being used as alternatives to methadone, the Committee felt it necessary to consider their classification.

Action:

The Secretariat to prepare a paper for the next meeting on Buprenorphine and Tramadol.

9. DATE OF NEXT MEETING

The date for the next EACD meeting was confirmed to be held on 29 November 2007.