

# Drug Law Reform Policy

Spokesperson: Julie Anne Genter MP

Updated: 16-Nov-2016

## Key Principles

The Green Party recognises that:

1. Drug policy should be rational and based on credible and scientifically-valid evidence.
2. There can be adverse health, social and economic consequences from the use of drugs for both individuals and society.
3. Not all drug use is abusive or problematic.
4. Some individuals in society will choose to use drugs, regardless of their legal status.
5. Prohibition of drugs can cause more harm than it prevents.
6. Drug policy should have a primary focus on improving public health instead of trying to punish users.

## Specific Policy Points

### 1. Implement high quality health promotion approaches

Drug use does not occur in a vacuum. Empowering communities and creating a fairer society and an economy that works for everyone will help reduce drug-related harm, as will a reduction in family violence and more assistance to those struggling with personal and relationship issues.

In addition to this, the Green Party will ensure that:

1. Evidence-based and age-appropriate drug education is available through schools.
2. Non-judgemental evidence-based information about drugs is available through health services and at point of sale.

### 2. Reducing harm

In Government, the Green Party would seek to use objective and health-centred legislation along the lines of the *Psychoactive Substances Act 2013* to re-evaluate the relative harms and appropriate legal and regulatory status of psychoactive substances.

The Green Party will:

1. Instruct the Ministry of Health to work alongside the Psychoactive Substances Regulatory Authority to develop integrated, effective legislation in order to:
  - a. Reduce harm and cost to society and individuals from drug use and abuse; and
  - b. Enhance people's capacity for informed choice.

2. As a short term measure, implement immediately all of the recommendations of the Law Commission's 2011 review of the Misuse of Drugs Act on law reform.

### **3. Implement other harm reduction measures**

Drug policy should always be guided by harm reduction. Availability of utensils should be controlled through the same framework used for regulating drugs themselves. Utensils themselves can be a tool for harm reduction.

The Green Party will:

1. Support policies to minimise harm caused by drug use – for example needle and syringe exchange schemes, and provision of sites where injecting drug use can be supervised.
2. Ensure that effective overdose treatments are available.

### **4. Drug addiction and other problem use**

Drug addiction is a medical and social problem and should be treated as such, using approaches that are found to be the best to reduce the suffering of addicts and people in their lives.

This could include, but not be limited to:

1. Cessation programmes e.g., smoking cessation programmes for tobacco addicts;
2. Supply of maintenance doses of the drug of addiction e.g., the British system used for heroin addicts between the 1920s and 1980s;
3. Substitution programmes;
4. Improved availability of alcohol and drug rehabilitation services;
5. Innovative programmes that provide help rather than punishment for people with drug problems, such as the pilot Alcohol and Other Drug Court in Auckland.

We will provide sufficient resources for these programmes, and integrate them across the health system.

### **5. Cannabis-specific initiatives**

It is clear that while there are potential risks to health associated with cannabis use, these are relatively low compared with other drugs. The currently legal drugs alcohol and tobacco carry much greater risks. We believe the regulatory approach to cannabis should be similar to that regulating alcohol supply in some respects, but could be considerably improved in others.

#### **A. Cannabis for personal use**

1. The Green Party will make cannabis legal for personal use:
  - a. Possession and personal use of cannabis and/or cannabis products will no longer be illegal;
  - b. Cultivation for personal use will no longer be illegal;
  - c. New Zealand can assess the evidence from overseas jurisdictions with legal cannabis markets to determine the best model for New Zealand;
  - d. A legal age limit for personal cannabis use will be introduced;
  - e. The current law around driving under the influence of cannabis will be replaced with one that is based on cannabinoid levels that correlates with

impairment;

- f. Education will be provided on the harmful effects of heavy and prolonged usage, and the risks to mental and emotional wellbeing from cannabis use for certain individuals.
- g. Cannabis would be specifically included in the provisions of the Smokefree Environments Act.

## **B. Medical cannabis**

Pharmaceuticals which use active ingredients from the cannabis plant are being researched around the world, and we can expect that some of them will eventually qualify for licensing as medications in New Zealand. People with a terminal illness, or chronic or debilitating condition may wish to experiment with use of cannabis products to relieve their symptoms before a relevant cannabis-based pharmaceutical has reached the stage of being licensed for use.

While awaiting broader law change for cannabis, the Green Party will:

1. Remove penalties for any person with a terminal illness, or chronic or debilitating condition to cultivate, possess or use cannabis and/or cannabis products for therapeutic purposes, provided they have the support of a registered medical practitioner. This exemption would also apply to any immediate relative or other nominated person for a person with such a diagnosis, for the sole purpose in terms of administering or supplying cannabis or its related products to the person.
2. Accelerate the process by which medical cannabis products are licensed for use by directing MedSafe to consider the establishment of category-based classes for common compositions of medical cannabis products. This would expedite accreditation for cannabis-based medicines whose chemical compositions are commonly recurrent, and streamline the approval process for medicines seeking to apply for PHARMAC funding.
3. Encourage MedSafe to carry out extensive ongoing monitoring of any new and approved cannabis-based medicines to ensure that they meet acceptable standards of safety, quality and efficacy; and that medical practitioners have reliable information about the selection and safe use of these products when prescribing them.
4. Lower barriers for manufacturers to submit new cannabis products for funding applications to PHARMAC so that evidence can be quickly gathered for the efficacy of particular cannabis-based medicine classes, and manufacturers of cannabis-based medicines have timely and high-quality advice regarding what is sought and what is working.

## **6. Alcohol specific initiatives**

### **A. Alcohol limit for driving**

Drivers with higher blood-alcohol levels are more likely to be involved in a fatal crash than ones with lower blood alcohol.

The Green Party supports:

1. Keeping the blood alcohol limit at 50mg per 100 ml for adults aged 20 and over (which is the currently-recognised medical definition of intoxication).

### **B. Alcohol advertising**

The Green Party will:

1. Phase out all broadcast, billboard and print (excluding point of sale) advertising of alcoholic beverages, and sponsorship by alcohol brands.
2. Increase funding for sponsorship funds to fill the gap left by phasing out alcohol sponsorship.

### **C. Health information**

The Green Party will:

1. Require accurate health information to be displayed on all alcohol products.

### **D. Off-licenses**

The Green Party will:

1. Set a minimum price for alcohol in order to stop the sale of alcohol as a loss leader.
2. Require training to be given to supermarket tellers around the sale of alcohol products.
3. Require supermarkets and general stores that sell alcohol to display it in a separate space from other groceries, so that shoppers are not forced to pass by the alcohol section on the way to other parts of the supermarket.
4. Allow shops that are too small to maintain a separate space to sell alcohol from a price list, not display shelf.

### **E. Licensing Trusts**

The Green Party supports:

1. The establishment and continuation of licensing trusts, so long as encouraging responsible attitudes to alcohol is part of their mission statement.

### **F. Alcohol taxes**

Estimates of the costs of alcohol abuse to our country range from \$4 billion to \$8 billion per year. Excise tax on alcohol currently raises \$0.75 billion per year. The rest of the cost of alcohol abuse to society is already being paid by all New Zealanders, much of it through general taxation. In addition, there is strong evidence that heavy drinkers respond to high prices by drinking less, which in turn reduces harm.

The Green Party will:

1. Replace the current alcohol tax regime with a tax that is directly proportional to the quantity of pure alcohol in a drink. (Currently wine is only taxed per litre of alcohol if it has an alcohol content of more than 14%, lower alcohol levels are taxed on total volume of the drink).
2. Progressively raise the rate of alcohol tax to cover a greater proportion of the costs incurred to the government and society through alcohol abuse.

### **G. Purchase age for alcohol**

The Green Party supports:

1. Keeping the purchase age for alcohol at 18.
2. Strongly enforcing the current law for the illegal sale and supply of alcohol to minors.

## **7. Tobacco-specific initiatives**

The Green Party is strongly committed to the Smokefree Aotearoa goal. This is a goal that by 2025 fewer than 5% of New Zealanders will be tobacco smokers. This will be

achieved by:

1. Further extension of the Smokefree Environments Act.
2. Plain packaging of tobacco products.
3. Further taxation increases.
4. Other restrictions on the supply side, such as a register of approved tobacco retailers.

The Green Party is also open to evaluating other options if these are required to reach the goal. We do not envisage that it would include prohibition of tobacco products.

Non-tobacco based nicotine products, such as e-cigarettes, will be assessed according to harm-reduction principles, weighing up the potential to help people stop smoking against the potential for them to lead to harm by enabling more nicotine consumption.

## **8. Miscellaneous substances**

The Green Party recognises that we have entered a new age in which specific, individuated regulation for new psychoactive substances cannot keep pace with the advancements and modifications made by producers. It is thus impractical to regulate individual substances by their specific chemical composition, and a more nuanced approach that utilises evidentiary licensing bodies like the Psychoactive Substances Regulatory Authority (PSRA) to measure actual harm is needed. In Government, the Green Party would:

1. Require all manufacturers of recreational psychoactive substances to go through the PSRA's licensing process and establish their harmfulness before deciding whether to allow their products to be sold in New Zealand.
2. Task the PSRA with monitoring recreational drugs that have been approved for sale, so that reliable evidence can be collected about ongoing harm from drug use, and the wider social impact of a drug's availability can be counted in an evaluation of its harmfulness.
3. Protect and expand the *Vote: Health* budget so that alcohol and drug treatment programs are strengthened, protected against tightening DHB budgets, and more readily available to those who need them, wherever in New Zealand they may live.