

To the Health Select Committee

Submission on the Misuse of Drugs (Classification of BZP) Amendment Bill

12 October 2007

This submission is from the National Organisation for the Reform of Marijuana Laws (NORML New Zealand Inc). *We wish to appear before the committee to speak to our submission.* We can be contacted at:

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1. About NORML NZ Inc.

NORML New Zealand was founded in 1979 as a non-profit incorporated society that campaigns for an end to marijuana prohibition. We support the right of all adults to use, possess and grow their own cannabis. We recognise that some commercial market for marijuana will always exist, and we therefore promote ways to best to control that market.

1.1 Our aims are:

- To reform New Zealand's marijuana laws
- To provide neutral, unbiased information about cannabis and its effects
- To engage in political action appropriate to our aims
- To inform people of their rights
- To give advice and support to victims of prohibition

1.2 NORML believes drug policy should:

- have realistic goals;
- be regularly evaluated, be shown to be effective or be changed;
- take account of the different patterns and types of harms caused by specific drugs;
- separate arguments about the consequences of drug use from arguments about morals;
- be developed in the light of the costs of control as well as the benefits;
- ensure that the harms caused by the control regimes themselves do not outweigh the harms prevented by them;
- provide the greatest level of harm reduction for drug users, their families and their communities;
- minimise the number of drug users who experience problems resulting from their drug use;
- be evidence based, as well as having the support of the community.

We do not believe the proposed classification of BZP-based party pills meets these criteria.

2. Summary

NORML is opposed to the proposed reclassification of BZP as a Schedule C substance, on the following

grounds:

- a. Insufficient evidence of significant risks to public health
- b. Likely negative public health effects of BZP reclassification
- c. The proposed presumption of supply contravenes the Bill of Rights

3. Discussion

3.1 Insufficient evidence of significant risks to public health

From the scant evidence pulled together so far, BZP poses only a minor harm to public health. Only a small number of relatively minor adverse effects have been observed, following many millions of BZP pills taken by New Zealanders. No-one has died from BZP, unlike alcohol and tobacco. Most BZP consumers who have been hospitalised have also consumed large amounts of alcohol.

The EACD's review of BZP supports this view, yet bizarrely recommends prohibition. The logic doesn't follow. Similarly, the Minister only considered selected research which focused exclusively on the harms relating to BZP, and did not consider, for example, the likely cross-substitution with more harmful drugs such as alcohol or methamphetamine.

3.2 Likely negative public health effects of BZP reclassification

Attempts to ban a normalised substance such as BZP are likely to fail. One in five New Zealanders have tried BZP, and fifteen percent in the previous year. A vast black market would be born overnight, and we believe BZP consumers may switch to more harmful substances in order to gain a similar effect.

Furthermore, any hope of quality control and age limit enforcement would be lost forever. The result will be an increase in harm to users and to the community.

3.3 The proposed presumption of supply contravenes the Bill of Rights

A fundamental principle of our judicial-legal system is the presumption of innocence. This is protected by the Bill of Rights Act 1990. Drug laws that presume guilt are contrary to this and should be rejected. The Supreme Court said as much earlier this year (*R v Hansen*), and called upon parliament to re-examine the presumptions of supply contained in the Misuse of Drugs Act.

The Committee should consider why there is a presumption of supply at all. Police should be made to work for their convictions and provide sufficient evidence of supply.

Our experience with marijuana law enforcement is that police often operate using stereotypes. People who fit the description tend to be searched and prosecuted, while middle-class pakeha seldom come to their attention. We suspect the same pattern will emerge with BZP law enforcement. Maori, Pacific Islanders and young males will wear the brunt of convictions, irrespective of their rates of use.

4. Recommendations

NORML considers that making BZP a Schedule C substance - and criminalising an estimated 400,000 New Zealanders - is a disproportionate response to a relatively safe and widely-used recreational substance. Decades of failed attempts to prohibit various recreational substances show it will create far more problems than it solves.

NORML recommends the implementation of further regulations to control the BZP marketplace as a more efficient and effective way to minimise the perceived harms of BZP.

We understand the Social Tonics Association of NZ has done a lot of work putting together a proposed set of regulations and the implementation of these in place of this bill should be given serious consideration by the committee.

A greater effort on education and quality control could be funded from an excise levy on the substance.

The presumption of supply should be rejected.

Even if the sale of BZP is prohibited, there should be no offence of using or possessing BZP.

5. Thank you for taking the time to consider this submission.