

Misuse of Drugs (Prohibition of Utensils) Notice 2020

Pursuant to section 22(1A) of the Misuse of Drugs Act 1975, the Minister of Health gives the following notice.

Notice

1. Title

This notice is the Misuse of Drugs (Prohibition of Utensils) Notice 2020.

2. Commencement

This notice comes into force on 1 April 2020.

3. Interpretation

In this notice, unless the context otherwise requires,—

Act means the Misuse of Drugs Act 1975

cannabis means any of the following:

- (a) a cannabis preparation as described in clause 1 of Part 1 of Schedule 2 of the Act;
- (b) a cannabis fruit, cannabis plant, or cannabis seed as described in Part 1 of Schedule 3 of the Act

cannabis utensil means any of the following utensils that may be used for administering cannabis, and that has 1 or more prohibited features:

- (a) a bong;
- (b) a hash pipe;
- (c) a roach clip with a pincer or tweezer action

For the avoidance of doubt, a vaporiser that has been approved as a medical device by an overseas regulator, is not a cannabis utensil, regardless of whether it has any of the prohibited features listed in this notice.

methamphetamine means any of the following:

- (a) the substance methamphetamine as described in clause 1 of Schedule 1 of the Act;
- (b) the isomers of the substance mentioned in paragraph (a) whenever the existence of isomers of that kind is possible within the specific chemical designation;
- (c) the esters and ethers of the substance mentioned in paragraph (a) and the esters and ethers of the isomers mentioned in paragraph (b) whenever the existence of esters or ethers of that kind is possible;
- (d) the salts of the substance mentioned in paragraph (a) and the salts of the isomers, esters, and ethers mentioned in paragraph (b) or (c);
- (e) substances containing any proportion of a substance mentioned in paragraphs (a) to (d)

methamphetamine utensil—

- (a) means a pipe that has the following features:
 - (i) a bowl all of which or the base of which is made of glass, metal, ceramic, or another flameproof and heat-conducting material; and
 - (ii) a stem leading directly off the bowl and ending with a mouthpiece; and
 - (iii) no insertion (of gauze, wire mesh screen, or of another material that is not designed or intended to be burnt or dissolved) between the bowl and stem; and
 - (iv) a hole, either on the bowl or on the stem;
- (b) or any item that has been modified in such a way as to facilitate the use of methamphetamine; but
- (c) does not include a pipe manufactured for use as a pipe to smoke tobacco

prohibited feature means,—

- (a) in the case of a bong or a hash pipe, any of the following features:
 - (i) more than 2 holes;
 - (ii) more than 1 inhalation hose (breathing port);
 - (iii) provision for cooling smoke by drawing the smoke through water;
 - (iv) a metal or ceramic or glass bowl;
 - (v) an insertion placed in a bowl, which is an insertion that is a gauze, a wire mesh screen, or an insertion made of material that is not designed or intended to be burnt or dissolved in the bowl;
- (b) in the case of a roach clip with a pincer or tweezer action, a depiction of cannabis fruit, cannabis seed, or

any part of the cannabis plant, or a depiction that could reasonably be taken to be a depiction of cannabis fruit, cannabis seed, or any part of the cannabis plant

prohibited goods power, function, or duty means a power, function, or duty conferred or imposed by the Customs and Excise Act 2018 and that may be exercised or performed in respect of prohibited goods, for example,

- (a) the power under clause 6 of Schedule 5 of that Act to grant relief in respect of seized goods; and
- (b) the power under section 188(2) of that Act to order restoration of goods forfeited to the person from whom the goods were seized

supply, in relation to utensils that are prohibited goods because of paragraph (b) of the definition of prohibited imports in section 5(1) of the Customs and Excise Act 2018, does not include the actual or purported exercise or performance, in respect of those utensils, of a prohibited goods power, function, or duty

Vaporiser means a utensil designed to heat cannabis or cannabis preparations to a point lower than combustion.

4. Importation, Supply, and Offer for Sale of Cannabis Utensils and Identifiable Components of Cannabis Utensils Prohibited

No person may—

- (a) import a cannabis utensil or an identifiable component of a cannabis utensil; or
- (b) supply a cannabis utensil or an identifiable component of a cannabis utensil; or
- (c) offer for sale a cannabis utensil or an identifiable component of a cannabis utensil.

5. Importation, Supply, and Offer for Sale of Methamphetamine Utensils and Identifiable Components of Methamphetamine Utensils Prohibited

No person may—

- (a) import a methamphetamine utensil or an identifiable component of a methamphetamine utensil; or
- (b) supply a methamphetamine utensil or an identifiable component of a methamphetamine utensil; or
- (c) offer for sale a methamphetamine utensil or an identifiable component of a methamphetamine utensil.

6. Revocation

The Misuse of Drugs (Prohibition of Cannabis Utensils and Methamphetamine Utensils) Notice 2014 ([New Zealand Gazette, 10 April 2014, No. 38, page 1094](#)) is revoked.

Dated at Wellington this 17th day of March 2020.

HON DR DAVID CLARK, Minister of Health.