An Bille um Mí-Úsáid Drugaí (Leasú), 2016
Misuse of Drugs (Amendment) Bill 2016

Meabhrán Minitheach agus Airgeadais
Explanatory and Financial Memorandum
Background to and purpose of the Bill

The primary purpose of the Misuse of Drugs (Amendment) Bill is to amend the Schedule to the Misuse of Drugs Act 1977 by adding to it a number of substances to help law enforcement authorities deal more effectively with the illicit trade in these substances. These include certain so-called “z-drugs”, “Clockwork Orange”, as well as substances which Ireland is required to subject to national control on foot of obligations under the EU Council Decision 2005/387/JHA of 10 May 2005 on information exchange, risk assessment and control of new psychoactive substances, and of obligations as a party to the United Nations Conventions on Narcotic Drugs 1961 and Psychotropic Drugs 1971.

The Bill makes provision for the revocation of various Ministerial Regulations and Orders confirmed by the Misuse of Drugs (Amendment) Act 2015, so as to allow the Minister for Health to make new Regulations and Orders required on foot of the control of new substances under the Act.

Finally, the Bill makes a number of technical amendments to allow the commencement of a section of the Irish Medicines Board (Miscellaneous Provisions) Act 2006 which transfers responsibility for the issue of licences under the Misuse of Drugs Act 1977 from the Minister for Health to the Health Products Regulatory Authority; and to update the reference to nurses and midwives in the Misuse of Drugs Act 1977 consequent on changes made in the Nurses and Midwives Act 2011.

Provisions of the Bill

Section 1 This is a standard provision to confirm that “Principal Act” in this Act means the Misuse of Drugs Act 1977.

Sections 2 and 3 These are technical provisions to update the references in the Act to practitioners, midwives and nurses, consequent on the Nurses and Midwives Act 2011.

Sections 4 and 5 These are technical provisions to allow to be commenced the provision in the Irish Medicines Board (Miscellaneous Provisions) Act 2006 which transfers the licensing function from the Minister for Health to the Health Products Regulatory Authority.

Section 6 This provides for the substitution of paragraphs of the Schedule to the Misuse of Drugs Act 1977, in which controlled drugs are listed, with the same paragraphs amended to include the new substances to be controlled under this Bill. These are Zopiclone, Zaleplon, Phenazepam, Lisdexamfetamine, “Clockwork Orange”, MT-45, 25B-NBOMe, 25C-NBOMe, 4,4’-DMAR and MDMB-CHMICA.
Section 7 This section allows the Minister to make an Order to revoke statutory instruments confirmed as valid and enforceable as if they were an Act of the Oireachtas.

Section 8 This is a standard citation provision, and provides that different provisions may be commenced at different times, thereby giving the Minister the flexibility necessary to replace revoked regulations and orders on a phased basis.

Schedule List of substances already controlled under the Act, to which have been added the new substances to be controlled under this Bill.

Financial Implications

There are no financial implications for the State.

Department of Health,
June, 2016.