



MISUSE OF DRUGS ACT 2007

Act No. 288

Arrangement

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An Act to amend the law relating to the misuse of drugs in Niue and to maintain general consistency with the New Zealand law on the misuse of drugs

1 Short Title

This is the Misuse of Drugs Act 2007.

2 Interpretation

(1) In this Act -

“*Class A controlled drug*” means a controlled drug specified or described in Schedule 1;

“*Class B controlled drug*” means controlled drug specified or described in Schedule 2;

“*Class C controlled drug*” means controlled drug specified or described in Schedule 3 and includes any controlled drug analogue;

“*controlled drug*” means any substance, preparation, mixture, or article specified or described in Schedule 1, Schedule 2, or Schedule 3, and includes any controlled drug analogue;

“*cultivate*” includes sow or plant;

“*dependent*” means being in a state of periodic or chronic intoxication, produced by the repeated consumption, smoking, or other use of a controlled drug detrimental to the person in relation to whom the word is used, and involving a compulsive desire to continue consuming, smoking, or otherwise using the drug or a tendency to increase the dose of the drug;

“*Director*” means the Director of Health;

“*person authorised to practice medicine*” has the same meaning as in section 21 of the Niue Act 1966;

“*precursor substance*” means any substance specified or described in Part 1 or Part 2, or Part 3 of Schedule 4;

“*produce*” includes compound;

“*prohibited plant*” means –

(a) any plant of the genus *Cannabis*;

(b) any plant of the species *Papaver somniferum*;

(c) *Erythroxylon coca* and *Erythroxylon novagranatense* (syn *E truxillense*) and every other species of the genus *Erythroxylon* from which a controlled drug can be produced;

(d) any plant of the species *Lophophora williamsii* or *Lophophora lewinii*;

(e) any fungus of the genera *Conocybe*, *Panaeolus*, or *Psilocybe* from which a controlled drug can be produced or which contains a controlled drug;

“*property*” means property of any description, whether situated in Niue or elsewhere;

“*supply*” includes distribute, give, and sell.

(2) In this Act,

- (a) the things which a person has in their possession include any thing subject to their control which is in the custody of another;
- (b) the percentage of any substance present in a preparation, the percentage in the case of a liquid preparation shall, unless otherwise prescribed, be calculated on the basis that a preparation containing one part percent of any substance means a preparation in which one gram of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every hundred millilitres of the preparation and so in proportion for any greater or less percentage;
- (c) the percentage of morphine present in a preparation shall be calculated as in respect of anhydrous morphine;
- (d) a salt of any controlled drug shall be deemed to contain that drug.

3 Act to bind the Government

This Act binds the Government.

4 Dealing with controlled drugs

(1) Except as provided in section 7, or pursuant to a licence under this Act, or as permitted by regulations made under this Act, no person shall –

- (a) import into or export from Niue any controlled drug, other than a controlled drug specified or described in Part 6 of Schedule 3; or
- (b) produce or manufacture a controlled drug; or
- (c) supply or administer, or offer to supply or administer, a Class A controlled drug or Class B controlled drug to any other person, or otherwise deal in any such controlled drug; or
- (d) supply or administer, or offer to supply or administer, a Class C controlled drug to a person under 18 years of age; or
- (e) sell, or offer to sell, any Class C controlled drug to a person of or over 18 years of age; or
- (f) have any controlled drug in their possession for any of the purposes set out in paragraphs (c), (d), or (e).

(2) Every person who contravenes subsection (1) commits an offence.

(3) For the purposes of subsection (1)(f), a person is presumed until the contrary is proved to be in possession of a controlled drug for any of the purposes in subsection (1)(c), (d), or (e) if the amount, level, or quantity possessed of the controlled drug, is a substantial amount at or over which the controlled drug is presumed to be for supply.

5 Possession and use of controlled drugs

(1) Except as provided in section 7, or as permitted by regulations made under this Act, no person shall –

- (a) procure or have in their possession, or consume, smoke, or otherwise use, any controlled drug; or

- (b) supply or administer, or offer to supply or administer, any Class C controlled drug to any other person, or otherwise deal in any such controlled drug.
- (2) Without prejudice to any liability under section 5 every person who contravenes subsection (1) commits an offence.
- (3) In any proceedings for an offence against this section in respect of the possession of a controlled drug, in which it is proved that the defendant had a controlled drug in their possession, it shall be a defence to prove –
- (a) that, knowing or suspecting it to be a controlled drug, the defendant took possession of it for the purpose of preventing another from committing or continuing to commit an offence in connection with that drug and that as soon as possible after taking possession of it took all reasonable steps to destroy the drug or to deliver it into the possession of a person lawfully entitled to have possession of it; or
 - (b) that, knowing or suspecting it to be a controlled drug, the defendant took possession of it for the purpose of delivering it into the possession of a person lawfully entitled to have possession of it and that as soon as possible after taking possession of it took all reasonable steps to deliver it into the possession of such a person.

6 Exemptions to section 5 and 6

- (1) Notwithstanding sections 5 or 6 -
- (a) The Director or any person authorised by the Director may prescribe, produce, manufacture, supply or administer, import or export controlled drugs while acting in the course of his or her practice or employment;
 - (b) Any person for whom a controlled drug is supplied by a person authorised by the Director may administer that drug to himself in accordance with the advice of the authorised person who supplied or prescribed it;
 - (c) Any person having the care of a patient for whom a controlled drug is supplied by any person authorised by the Director may administer that drug to that patient in accordance with the advice of the authorised person who supplied or prescribed it;
 - (d) Any person who is permitted by or under this Act to import, export, supply, or administer a controlled drug may procure that drug from a person lawfully entitled to supply it and may possess that drug in the manner and for the purposes expressed or implied in that authority;
 - (e) Any person who is permitted by or under this Act to possess a controlled drug may procure that drug from a person lawfully entitled to supply it, and may supply or use that drug in the manner and for the purposes expressed or implied in that authority;
 - (f) A person may, while entering or leaving Niue, possess a controlled drug required for treating the medical condition of the person or any

other person in his or her care or control, if the quantity of drug is no greater than that required for treating the medical condition for one month, and the drug was supplied by a person authorised by the Director.

(2) Subject to section 17(1) and to any regulations under this Act and to any other enactment or rule of law prohibiting, restricting, or regulating the import, export, supply, or administration of drugs, any person may import, export, supply, or administer any controlled drug specified or described in Schedule 3 Part 6.

7 Use of premises or vehicle

Every person commits an offence against this Act who knowingly permits any premises or any vessel, aircraft, hovercraft, motor vehicle, or other mode of conveyance to be used for the purposes of the commission of an offence against this Act.

8 Equipment, material, and substances used in production or cultivation

(1) Every person commits an offence against this Act who supplies, produces, or manufactures –

- (a) any equipment or material that is capable of being used in, or for, the commission of an offence against section 5(1)(b); or
- (b) any precursor substance, knowing that the equipment, material, or substance is to be used in, or for, the commission of an offence against those provisions.

(2) Every person commits an offence against this Act who has in his or her possession –

- (a) any equipment or material that is capable of being used in, or for, the commission of an offence against section 5(1)(b); or
- (b) any precursor substance, with the intention that the equipment, material, or substance is to be used in, or for, the commission of an offence against that provision.

9 Knowingly importing or exporting precursor substances

(1) Every person commits an offence who –

- (a) imports into Niue any precursor substance knowing that it will be used to commit an offence under section 5(1)(b); or
- (b) exports from Niue any precursor substance knowing that it will be used to commit an offence under a provision of the law of the country to which the precursor substance is being exported that corresponds to an offence under section 5(1)(b).

10 Importing or exporting precursor substance without reasonable excuse

(1) Every person commits an offence who, without reasonable excuse, imports into, or exports from, Niue any precursor substance.

(2) Without limiting the circumstances under subsection (1) in which a person may have a reasonable excuse, a person has a reasonable excuse if –

- (a) he or she imports a precursor substance into Niue in order that –
 - (i) a person authorised to practice medicine, produce or manufacture a controlled drug from the precursor substance; or
 - (ii) the precursor substance be used for a lawful purpose; or
- (b) the precursor substance that he or she is importing into, or exporting from, Niue has been lawfully supplied to that person for his or her own medical use; or
- (c) he or she exports a precursor substance from Niue in order that the precursor substance be used for a purpose that is authorised or lawful under the law of the country to which it is being exported.

11 Offences outside Niue

(1) Subject to subsection (2), every person commits an offence against this Act who, outside Niue, does or omits to do any act that would, if done or omitted in Niue, constitute an offence against this Act.

(2) No proceedings for an offence against subsection (1) may be brought unless –

- (a) the person to be charged is a New Zealand citizen; or
- (b) the person to be charged is present in Niue.

(3) Every person who commits an offence against this section is liable on conviction to the same penalty to which the person would have been liable had that person committed the offence in Niue.

(4) Subsection (1) does not apply if the doing or omission of the act to which the charge relates was not an offence under the law of the place where the act was done or omitted.

(5) Despite subsection (4), if a person is charged with an offence against this section, it is to be presumed, unless the person charged puts the matter at issue, that the doing or omission of the act to which the charge relates was an offence under the law of the place where the act was done or omitted.

12 Miscellaneous offences

Every person commits an offence against this Act who –

- (a) has in their possession any pipe or other utensil (not being a needle or syringe) for the purpose of the commission of an offence against this Act; or
- (b) has in that person's possession for the purpose of committing an offence against this Act any needle or syringe;
 - (i) that he or she obtained from a person (a “supplier”) who he or she could not have reasonably believed at the time of the acquisition was an authorised person by the Director; or
 - (ii) that another person (an “acquirer”) obtained on his or her behalf from a supplier who the acquirer could not have

- reasonably believed at the time the needle or syringe was obtained was an authorised person but the Director; or
- (iii) other than a needle or syringe that he or she obtained in accordance with any regulations made under this Act; or
 - (iv) other than a needle or syringe that the acquirer obtained on his or her behalf in accordance with any regulations made under this Act; or
- (c) Except as may be provided by regulations made under this Act, has in their possession the seed or fruit (not in either case being a controlled drug) of any prohibited plant which he or she is not authorised under this Act to cultivate.

13 Production of records and inspection of stocks

(1) A constable or any other person authorised by the Director may for the purposes of the enforcement of this Act enter the premises of any person who carries on the business of a producer, manufacturer, seller, or distributor of any controlled drug, or who otherwise undertakes the supply or administration of any controlled drug, and demand the production of and inspect any books or documents relating to dealings in any controlled drug, and to inspect, weigh, measure, and record the stocks of controlled drugs.

(2) If in the opinion of the Director there is reasonable ground for suspecting that any person is in possession of any controlled drug for the purpose of sale, or for the purpose of manufacturing any preparation for sale, or for use in or in connection with his profession, trade, or calling, or any occupation whether paid or unpaid, in breach of this Act or of any regulations made under this Act, the Director may require that person to produce for his inspection or to produce to any person specially authorised by the Director in that behalf, any books or documents dealing with the reception, possession, purchase, sale, or delivery of the controlled drug.

(3) Any person acting under, or pursuant to an authority under, subsection (1) or (2) may make copies of or extracts from any such books or documents, and the copies or extracts, certified as such by that person, shall be deemed to be true and correct copies or extracts, unless the contrary is proved.

(4) Every person commits an offence against this Act who refuses or neglects to comply with any demand or requisition made pursuant to this section.

14 Restrictions on supply

(1) In this section “restricted person” means a person who is the subject of a notice given under subsection (3).

(2) Every person commits an offence against this Act who—

- (a) In contravention of a notice which has been served on him pursuant to subsection (3) or (4), or which has otherwise come to his attention, prescribes for or supplies to a restricted person, knowing him to be a restricted person, any controlled drug; or

(b) knowing himself to be a restricted person, procures or attempts to procure a prescription or a controlled drug from a person who is for the time being prohibited, by a notice under subsection (3) or (4) from issuing the prescription or supplying the controlled drug to him.

(3) Where the Director is satisfied that any person has been obtaining a controlled drug over a prolonged period and is likely to seek further supplies of a controlled drug, or prescriptions for the supply of a controlled drug, he or she may from time to time, by notice in such form as he or she thinks fit, given generally or to any person authorised by or under this Act to supply controlled drugs, prohibit every person authorised in accordance with section 7(1)(a) from issuing prescriptions for the supply of, and every person from supplying any controlled drugs to the first-mentioned person, subject to such exceptions, relating to particular persons authorised to practice medicine, or sources of supply, or particular controlled drugs, or the frequency or quantity of prescriptions or supply, as may be specified in the notice.

(4) The Director may at any time by a like notice revoke, or vary, or modify any prohibition, condition, or exception contained in a notice given by him under this section.

(5) A copy of any notice under subsection (3) or (4) shall be served, either personally or by registered post, on the restricted person, but failure to comply with this requirement shall not invalidate the notice.

15 Controlled drug analogues

It shall be a defence to a charge relating to the possession of any controlled drug analogue in contravention of any of this Act if the defendant proves that he or she had the substance –

(a) For some purpose other than –

(i) consuming, smoking, snorting, or injecting by any person, or using in any other manner intended to have a pharmacological effect on the user; and

(ii) supplying or administering it to any other person; or

(b) For the purpose of supplying it or administering it to any other person in accordance with any procedure approved by the Director.

16 Powers of Director

(1) The Director may carry out or authorise any person in writing to carry out any act reasonably necessary to ensure compliance with this Act.

(2) At any time the Director may revoke a notice given under subsection (1).

(3) Without prejudice to the liability of any person under any other provision of this Act, every authorised person under section 7(1) (a) who prescribes any controlled drug in contravention of a notice under subsection (1) commits an offence.

17 Arrest by Customs Officers

If a Customs Officer has reasonable cause to believe or suspect that any person, in contravention of this Act, has imported into or exported from Niue any controlled drug, or has been concerned in such import or export, the customs officer may arrest that person without a warrant.

18 Search and seizure and drugs concealed in the body

(1) Where a search warrant is issued under section 284 of the Niue Act 1966 in respect of an offence which has been or is suspected to have been committed against this Act or which is believed to be intended to be so committed, any constable executing the warrant or any of his assistants may search any person found in or on the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place which may be entered and searched under the authority of the warrant.

(2) Where any Constable has reasonable ground for believing that there is in or on any building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place any controlled drug specified or described in Schedule 1 or in Schedule 2 Part 1 or in Schedule 3 Part 1 or any precursor substance specified or described in Schedule 4 Part 3 and that an offence against this Act has been or is suspected of having been committed in respect of that drug or precursor substance, he or she, and any assistants who accompany him or her, may enter and search the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place and any person found there as if authorised to do so by a search warrant issued under section 284 of the Niue Act 1966 and by subsection (1).

(3) Where any Constable has reasonable ground for believing that any person is in possession of any controlled drug specified or described in Schedule 1 or in Schedule 2 Part 1 or in Schedule 3 Part 1 or any precursor substance specified or described in Schedule 4 Part 3 and that an offence against this Act has been or is suspected of having been committed in respect of that drug or precursor substance, he or she may search and detain that person for the purpose of search and may take possession of any controlled drug or precursor substance found.

(4) (a) Every Constable exercising the power of entry and search conferred by subsection (2) or the power conferred by subsection (3) shall identify him or herself to every person searched, and also to any person in or on the building, aircraft, ship, hovercraft, carriage, vehicle, premises, or place who questions his right to enter and search the same, and shall also tell those persons that the search is being made pursuant to the authority of that subsection.

(b) The Constable shall also, if not in uniform and if so required, produce evidence that he is a constable.

(5) Notwithstanding section 284(5) of the Niue Act 1966, the Director or Constable or any with such assistants as he thinks necessary, may seize and destroy any prohibited plant except where it is being cultivated either in accordance with the conditions of a licence granted under this Act or in

accordance with regulations made under this Act, and may also seize and destroy the seed of any prohibited plant except where that seed is in the possession of any person who is either authorised under this Act to cultivate the plant or who is permitted by regulations made under this Act to have the seed in his possession.

(6) Any Constable who exercises the power of entry and search conferred by subsection (2) or the power conferred by subsection (3), shall, within 3 days after the day of the exercise of power, furnish to the Commissioner Officer of Police a written report on the exercise of the power and the circumstances in which it came to be exercised.

(7) (a) No Constable shall conduct an internal search of any part of the body of any person nor, except under this Act shall he cause any other person to conduct such a search;

(b) A Constable may search that person's mouth with the consent of the person concerned.

(8) Where any person (in this section referred to as the suspect) is arrested for any offence against section 5 or 6 of this Act or section 192 of the Niue Act 1966, a Constable who has reasonable ground for believing that the suspect has secreted within his body any property that may be evidence of the offence with which the suspect is charged, or any property the possession of which by the suspect constitutes any other offence against any of the said provisions, may require the suspect to permit a person authorised to practice medicine, nominated for the purpose by the officer, to conduct an internal examination of any part of the suspect's body by means of an X-ray machine or other similar device, or by means of a manual or visual examination (whether or not facilitated by any instrument or device) through any body orifice.

(9) Notwithstanding subsection (8) or the terms of any requirement made under that subsection, no person authorised to practice medicine shall conduct any such internal examination if he considers that to do so may be prejudicial to the suspect's health, or if he is satisfied that the suspect is not prepared to permit an internal examination to be conducted.

(10) Notwithstanding anything in this Act, where the suspect fails to permit an internal examination to be conducted under this section and subsequently applies for bail, the Court may (without limiting its discretion to refuse bail) decline to consider the application until the expiry of 2 days after the day on which the requirement to do so was made or until the suspect sooner permits such an examination to be conducted, if the Court is satisfied that the requirement was properly made on reasonable grounds; and, in any such case, the Court may order that the suspect shall continue to be detained in police custody until the expiry of that period or until the suspect sooner complies, as the case may be.

(11) A search carried out under this section that involves bodily contact or a strip-search of the person, or both, may be carried out only by a person of the same sex as the person to be searched, and no strip-search may be carried out in view of any person who is not of the same sex as the person to be searched.

(12) A person who carries out a search that involves bodily contact or a strip-search of the person, or both, must conduct the search with decency and sensitivity and in a manner that affords to the person being searched the greatest degree of privacy and dignity consistent with the purpose of the search.

(13) No member of the Police or Customs officer may conduct a strip search unless another member or Officer is also present.

(14) A strip search of a person must not be carried out in view of any person who is detained or being searched.

(15) Any person who exercises a power of search under this section must-

- (a) identify himself or herself to any person he or she intends to search; and
- (b) advise that person that the search is being undertaken under the authority of this Act.

19 Obstruction of officers

Every person commits an offence against this Act who wilfully obstructs, hinders, resists, or deceives any other person in the execution of any powers conferred on that other person by or pursuant to this Act.

20 Burden of proof

In any proceedings against any person in respect of any offence against this Act or against any regulations made under this Act in which it is proved that the person had in his possession any controlled drug, or did any act in relation to a controlled drug which would have amounted to that offence if such act were not done pursuant to section 7 or as permitted by regulations under this Act, the burden of proving that he had such controlled drug in his possession, or did such act, pursuant to section 7 or as so permitted shall lie on him or her.

21 Penalty

(1) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this Act is liable to imprisonment for a term not less than 3 months or to a fine not less than 5 penalty units or to both and not more than 14 years imprisonment and not more than 1000 penalty units in a fine.

(2) Where any person is convicted of an offence relating to a Class A controlled drug –

- (a) against section 5(1)(c) or (f); or
- (b) against 5(1)(a) or (b) committed in circumstances indicating to the Court an intention to offend against paragraph (c) of that subsection the Court shall impose sentence of imprisonment unless, having regard to the particular circumstances of the offence or of the offender, including the age of the offender if under 20 years of age,

the Court is of the opinion that the offender should not be so sentenced.

(3) The Court in using its discretion to impose a penalty shall award a lesser penalty where the defendant is convicted for an offence against this Act relating to possession and use of a controlled drug and greater penalty where the defendant is convicted for an offence against this Act for dealing with a controlled drug.

(4) If the defendant is found in possession of substantial amount of a prohibited controlled drug then the defendant shall be deemed to be dealing with a prohibited controlled drug.

22 Forfeiture

(1) Every person convicted of an offence against this Act shall, in addition to any penalty imposed pursuant to this Act, by order of the Court forfeit to the Government, all articles in respect of which the offence was committed and in the possession of such person.

(2) Articles forfeited under subsection (1) shall be sold, destroyed, or otherwise disposed of as the Court directs.

(3) If, on the conviction of any person for an offence against section 5, the Court is satisfied that money found in the possession of that person was received by that person in the course of or consequent upon the commission of that offence, or was in the possession of that person for the purpose of facilitating the commission of an offence against that section, the Court may, in addition to any other penalty imposed, order that that money be forfeited to the Government.

(4) If, on the conviction of any person for an offence against section 5, the Court is satisfied that any motor vehicle, aircraft, or ship or boat or other vessel owned by the convicted person (whether solely or as joint tenant or tenant in common with any other person or persons) or in which he or she has any interest (whether pursuant to a hire purchase agreement, leasing agreement, or otherwise) at the time of his conviction was used by the convicted person in the commission of that offence (whether or not he was the driver or person in charge), the Court shall, unless in the circumstances of the case the Court considers that it would be unjust to do so, order, in addition to any other penalty imposed, that the motor vehicle, aircraft, or ship or boat or other vessel be forfeited to the Government.

23 Protection of persons acting under authority of Act

(1) A person who does any act in pursuance or intended pursuance of any of the functions conferred on him by or under this Act shall not be under any civil or criminal liability, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he or she has acted in bad faith or without reasonable care.

(2) No prosecution for an offence against this Act, or against any regulations made under this Act, shall be commenced or continued against any Constable

in respect of any act committed by him at a time or during a period when he was acting in his duties, except with the leave of Cabinet.

24 Extradition treaties

(1) For the purposes of the Extradition Act 2006, and extradition offence includes---

- (a) attempting or conspiring to commit that crime; or
- (b) aiding, abetting, inciting, counselling, or procuring any person to commit that offence.

(2) Subsection (1) applies to any treaty concluded before June 1977 and for the time being in force between Niue and any country which is a party to the Single Convention on Narcotic Drugs 1961, as amended by the Protocol amending that Convention, done at Geneva on 25 March 1972, or to the Convention on Psychotropic Substances 1971.

(3) For the purposes of the Extradition Act 1965, every offence described in this Act if not already described in the treaty, is to be treated as being an offence described in any extradition treaty concluded before the commencement of this section and for the time being in force between Niue and any foreign country which is a party to the Vienna Convention.

(4) In this section, "foreign country" includes any territory for whose international relations the Government of a foreign country is responsible and to which the extradition treaty and the Vienna Convention extend or to which the extradition treaty and the Single Convention on Narcotic Drugs as amended by the Protocol amending that Convention or, as the case may be, the Convention on Psychotropic Substances, extends.

25 Regulations

(1) Cabinet may make regulations for the purposes of this Act and in such regulations provide for the taking of fees, the imposing of charges, create offences, and the imposition of penalties for contravention of the regulations.

(2) Cabinet may by regulation amend the schedules as necessary from time to time.

26 Repeals and consequential amendments

(1) The Misuse of Drugs Act 1975 is repealed.

(2) The Misuse of Drugs Act 1998 is repealed.

(3) The Niue Act 1966 section 689A is repealed.

(4) Section 192(1) of the Niue Act is amended by adding the following as paragraph (d):

(d) To imprisonment for a term not exceeding 7 years if the property stolen is a controlled drug as defined in the Misuse of Drugs Act 2006.

(5) Subject to subsection (6), for avoidance of doubt, it is enacted and declared that there are no regulations in force under the repealed enactments.

(6) The Misuse of Drugs 1977 regulations (Niue law by virtue of section 2(1) of the Misuse of Drugs Act 1998) shall be deemed to have been made under this Act and shall be adapted with the necessary modifications to apply to Niue.

SCHEDULE 1

CLASS A CONTROLLED DRUGS

1. The following substances, namely:

- ACETORPHINE (*0*³-acetyl-7,8-dihydro-7 □ -[1 (R)-hydroxy-1-methylbutyl]-0⁶-methyl-6,14-endo ethenomorphine).
- BUFOTENINE (3-(2-dimethylaminoethyl)-5-hydroxyindole).
- CANTHARIDIN (hexahydro-3a,7a-dimethyl-4,7-epoxyisobenzofuran-1,3-dione).
- COCAINE (methyl ester of benzoylecgonine), except when contained in a Class C controlled drug: **]
- DESOMORPHINE (dihydrodeoxymorphine).
- DET (*N, N*-diethyltryptamine).
- DMA (2-amino-1-(2,5-dimethoxyphenyl) propane).]
- DMHP (3-(1,2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6 *H*-dibenzo[*b, d*] pyran).
- DMT (*N, N*-dimethyltryptamine)
- DOB (2-amino-1-(4-bromo-2, 5-dimethoxyphenyl) propane) (also known as bromo-DMA).]
- ETORPHINE (7,8-dihydro-7 □ -[1 (R)-hydroxy-1-methylbutyl]-0⁶-methyl-6,14-endo ethenomorphine).
- HEROIN (diacetylmorphine).
- KETOBEMIDONE (4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine).
- LYSERGIC ACID (essential precursor for manufacture of LSD).
- LYSERGIDE (*N, N*-diethyllysergamide or lysergic acid diethylamide).
- MDA (2-amino-1-(3,4-methylenedioxyphenyl) propane).
- Mescaline (3,4,5-trimethoxyphenethylamine).
- METHAMPHETAMINE (2-methylamino-1-phenylpropane).
- 5-METHOXYDIMETHYLTRYPTAMINE (5-methoxy-*N, N*-dimethyltryptamine).
- 2-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(2-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA or MDMA-2).]
- 3-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(3-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA).]
- MPTP (1-methyl-4-phenyl-1,2,5,6-tetrahydropyridine).**]

- PARAHXYL (3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [*b, d*] pyran).
 - PCE (N-ethyl-1-phenylcyclohexylamine).]
 - PCPY 1-(1-phenylcyclohexyl) pyrrolidine).***
 - PHP 1-(1-phenylcyclohexyl) pyrrolidine).***
 - PEPTP (1-(2-phenylethyl)-4-phenyl-1,2,5,6-tetrahydropyridine).**
 - PHENCYCLIDINE (1-(1-phenylcyclohexyl) piperidine).
 - PIPERIDYL BENZILATES (*N*-methylpiperidyl benzilates and *N*-ethylpiperidyl benzilates but excluding the methobromide salts).
 - PMA (2-amino-1-(4-methoxyphenyl) propane).]
 - PSILOCINE (3-(2-dimethylaminoethyl)-4-hydroxyindole).
 - PSILOTSIN (3-(2-dimethylaminoethyl)-4-hydroxyindole).
 - PSILOCYBINE (3-(2-dimethylaminoethyl) indol-4-yl dihydrogen phosphate).
 - STP,DOM (2-amino-1-(2,5-dimethoxy-4-methyl) phenylpropane).
 - TCP (1-[1-(2-thienyl) cyclohexyl] piperidine).***]
 - THALIDOMIDE (□ -phthalimidoglutarimide).
 - TMA (2-amino-1-(3, 4, 5-trimethoxyphenyl) propane).]
2. The isomers of the substances mentioned in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
 3. The esters and ethers of the substances mentioned in this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Schedule whenever the existence of such esters or ethers is possible.
 4. The salts of the substances mentioned in this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Schedule.
 5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Schedule.

SCHEDULE 2

CLASS B CONTROLLED DRUGS

PART 1

1. The following substances, namely
AMPHETAMINE (2-amino-1-phenylpropane).]
CANNABIS preparations: that is, any preparation containing any tetrahydrocannabinols, including cannabis resin (commonly know as hashish) and cannabis oil (commonly known as hash oil), produced by subjecting cannabis plant material to any kind of processing.
METHCATHINONE.
MDMA (2-methylamino-1-(3,4-methylenedioxyphenyl) propane).
MORPHINE
OPIUM.
TETRAHYDROCANNABINOLS, except when contained in a Class C controlled drug.]

2. The isomers of the substances mentioned in [clause 1 of] this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
3. The esters and ethers of the substances mentioned in [clause 1 of] this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.
4. The salts of the substances mentioned in [clause 1 of] this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.
5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.
6. The substance gamma-hydroxybutyrate ("GHB") (commonly known as fantasy) and –
 - (a) the esters, ethers, and amides of GHB; and
 - (b) all substances from which GHB can be derived, including (without limitation) –
 - (i) 1,4-butanediol;
 - (ii) gamma-aminobutyric acid;
 - (iii) gamma-butyrolactone;
 - (iv) gamma-hydroxybutyraldehyde; and
 - (c) the salts of GHB (including sodium oxybate) and the salts of any substance referred to in paragraph (a) or paragraph (b); and
 - (d) any substance, preparation, or mixture containing any proportion of GHB or any substance referred to in any of paragraphs (a) to (c).

PART 2

1. The following substances, namely:

BENZPHETAMINE (2-benzylmethylamino-1-phenylpropane).

CATHINONE (2-amino-1-phenylpropan-1-one).

DOET (2-amino-1-(2,5-dimethoxy-4-ethylphenyl) propane).

FENCAMFAMINE (N-ethyl-3-phenylbicyclo[2.2.1]heptan-2-amine).

FENETHYLLINE (3,7-dihydro-1,3-dimethyl-7-[2-[(1-methyl-2-phenylethyl)-amino]ethyl]-1H-purine-2,6-dione).

FENPROPorex (2-(2-cyanoethylamino)-1-phenylpropane).

MEFENorex (2-(3-chloropropylamino)-1-phenylpropane).

METHAQUALONE (2-methyl-3-(2-methylphenyl)-4(3H)-quinazolinone).

4-METHYLAMINorex (*cis* -2-amino-4-methyl-5-phenyl-2-oxazoline).

METHYLPHENIDATE (□-phenyl-2-piperidineacetic acid methyl ester).

4-METHYLTHIOAMPHETAMINE.

N-ETHYL MDA (2-ethylamino-1-(3, 4-methylenedioxyphenyl) propane).

N-ETHYLAMPHETAMINE (2-ethylamino-1-phenylpropane).

N-HYDROXY MDA (2-hydroxyamino-1-(3, 4-methylenedioxyphenyl) propane).]]

NORPSEUDOEPHEDRINE (*threo* -2-amino-1-hydroxy-1-phenylpropane), including cathine.

PROPYLHEXEDRINE (1-cyclohexyl-2-methylaminopropane).

PYROVALERONE (1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule.

PART 3

1. The following substances, namely:

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane).

ACETYL-□-METHYLFENTANYL (N-[1-(□-methylphenethyl)-4-piperidyl] acetanilide).]

ALFENTANIL (N -[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1 H-(tetrazol- 1-yl)ethyl]-4-(methoxymethyl)-4-piperidinyl]-N -phenylpropanamide).*]

ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHACETYLMETHADOL (□-3-acetoxy-6-dimethylamino-4,4-diphenylheptane).

ALPHAMEPRODINE (□-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

ALPHAMETHADOL (□-6-dimethylamino-4,4-diphenyl-3-heptanol).

ALPHAPRODINE (□-1,3-dimethyl-4-phenyl-4-propionoxy-piperidine).

ANILERIDINE (1-*para* -aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

BENZYL MORPHINE (3-benzylmorphine).

BETACETYLMETHADOL (□-3-acetoxy-6-dimethylamino-4,4-diphenylheptane).

BETAMEPRODINE (□-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine).

BETAMETHADOL (□-6-dimethylamino-4,4-diphenyl-3-heptanol).

BETAPRODINE (□-1,3-dimethyl-4-phenyl-4-propionoxypiperidine).

BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny) piperidine).

CLONITAZENE (2-*para* -chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole).

CODOXIME (dihydrocodeinone-6-carboxymethyloxime)

CONCENTRATE OF POPPY STRAW – that is, the material arising when parts of any plant of the species *Papaver somniferum* have entered a process for the concentration of the alkaloids.

DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl] morpholine).

DIAMPROMIDE (*N*-[2-(methylphenethylamino) propyl] propionanilide).

DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene).

DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipectic acid).

DIHYDROMORPHINE.

DIMENOXADOL (2-dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate.)

DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol).

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene).

DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2,2-diphenylbutyrate).

DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone).

DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6 α ,14-diol).

EGGONINE, its esters and derivatives which are convertible to ecgonine and cocaine, except when contained in a Class C controlled drug.

ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene).

ETONITAZENE (1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole).

ETOXERIDINE (1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester).

FENTANYL (1-phenethyl-4-(*N*-propionylanilino)piperidine).

[*p*-FLUOROFENTANYL (4'-fluoro-*N*-1-(phenethyl-4-piperidyl)propionanilide).]

FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

HYDROCODONE (dihydrocodeinone).

HYDROMORPHINOL (14-hydroxydihydromorphine).

HYDROMORPHONE (dihydromorphinone).

[\square -HYDROXYFENTANYL (*N*-[1-(\square -hydroxyphenethyl)-4-piperidyl]propionanilide).]

\square -HYDROXY-3-METHYLFENTANYL (*N*-[1-(\square -hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide).]

HYDROXYPETHIDINE (4-*meta*-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester).

ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone).

LEVOMETHORPHAN ((-)-3-methoxy-*N*-methylmorphinan) but not including dextromethorphan ((+)-3-methoxy-*N*-methylmorphinan) and dextrorphan ((+)-3-hydroxy-*N*-methylmorphinan).

LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl] morpholine).

LEVOPHENACYLMORPHAN ((-)-3-hydroxy-*N*-phenacylmorphinan).

LEVORPHANOL ((-)-3-hydroxy-*N*-methylnorphinan).

MECLOQUALONE (3-(2-chlorophenyl)-2-methyl-4-(3H)-quinazolinone).**

METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan).

METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone).

METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane).

1-METHYL-4-PHENYL-4-PIPERIDINOL.]

METHYLDESORPHINE (6-methyl->>>>>>>>>Unknown character &Dgr;<<<<<6-deoxymorphine).

METHYLDIHYDROMORPHINE (6-methyldihydromorphine).

[□-METHYLFENTANYL (N-[1-(□-methylphenethyl)-4-piperidyl] propionanilide).

[□-METHYLTHIOFENTANYL (N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl] propionanilide).]

3-METHYLFENTANYL (N-[3-methyl-1-phenethyl-4-piperidyl] propionanilide).

3-METHYLTHIOFENTANYL (N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide).]

METOPON (5-methyldihydromorphinone).

MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenylpropanecarboxylic acid).

MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives.

MORPHINE-N-OXIDE.

MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester)).]

MYROPHINE (myristylbenzylmorphine).

NABILONE (*trans* -3-(1-1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d] pyran-9-one).***]

NICOMORPHINE (3,6-dinicotinylmorphine).

NORACY METHADOL (□-3-acetoxy-6-methylamino-4,4-diphenyl-heptane).

NORLEVORPHANOL ((-)-3-hydroxymorphinan).

NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone).

NORMORPHINE (demethylmorphine).

NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone).

OXYCODONE (14-hydroxydihydrocodeinone).

OXYMORPHONE (14-hydroxydihydromorphinone).

PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester)).

PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE-INTERMEDIATE-A (4-cyano-1-methyl-4-phenylpiperidine).

PETHIDINE-INTERMEDIATE-B (4-phenylpiperidine-4-carboxylic acid ethyl ester).

PETHIDINE-INTERMEDIATE-C (1-methyl-4-phenylpiperidine-4-carboxylic acid).

PHENADOXONE (6-morpholino-4,4diphenyl-3-heptanone).

- PHENAMPROMIDE (*N*-(1-methyl-2-piperidinoethyl) propionanilide).
PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan).
PHENDIMETRAZINE (3,4-dimethyl-2-phenylmorpholine).
1-PHENETHYL-4-PHENYL-4-PIPERIDINOL.
PHENMETRAZINE (3-methyl-2-phenylmorpholine).
PHENOMORPHAN (3-hydroxy-*N*-phenethylmorphinan).
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester).
PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester).
PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide).
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane).
PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester).
RACEMETHORPHAN ((±)-3-methoxy-*N*-methylmorphinan).
RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidiny)butyl] morpholine).
RACEMORPHAN ((±)-3-hydroxy-*N*-methylmorphinan).
REMIFENTANIL (1-(2-methoxycarbonyl-ethyl)-4-(phenylpropionyl-amino)-piperidine-4-carboxylic acid methyl ester).
SUFENTANIL (N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide).**]
THEBACON (acetyldihydrocodeinone).
THEBAINE.
THIOFENTANYL (*N*-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide).
TILIDINE ((±-ethyl *trans* -2-(dimethylamino)-1-phenyl-3-cyclo-hexene-1-carboxylate).**]
TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine).
2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
 3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.
 4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.
 5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3 or clause 4 of this Part of this Schedule.

SCHEDULE 3

Section 2(1)

CLASS C CONTROLLED DRUGS

PART 1

CANNABIS FRUIT.

CANNABIS PLANT [(whether fresh, dried, or otherwise)]—That is, any part of any plant of the genus *Cannabis* except a part from which all the resin has been extracted.

CANNABIS SEED.

[CATHA EDULIS PLANT.]

COCA LEAF—That is, the leaf of any plant of any species of the genus *Erythroxylon*, except a leaf from which all ecgonine, cocaine, and any other ecgonine alkaloids have been removed.

PART 2

CODEINE (3-methylmorphine); its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt, other than a preparation or mixture named or described in Part 6 of this Schedule.

DIHYDROCODEINE; its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation, or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt, other than a preparation or mixture named or described in [[Part 6]] of this Schedule.]

PROPOXYPHENE (\square -4 (N, N-dimethylamino)-1, 2-diphenyl-3-methyl-2-propionoxybutane); its isomers, esters, and ethers, if any; its salts and the salts of its isomers, esters, or ethers, if any; except in preparations of propoxyphene described in clause 5A of Part 5 of this Schedule.]

PART 3

1. The following substances, namely:

ACETYLDIHYDROCODEINE.

ETHYLMORPHINE (3-ethylmorphine).

NICOCODINE (6-nicotinylcodeine).

NICODICODINE (6-nicotinyldihydrocodeine or nicotinic acid ester of dihydrocodeine).

NORCODEINE (N -demethylcodeine).

PHOLCODINE (morpholinylethylmorphine).

PROPIRAM (N -(1-methyl-2-piperidinoethyl)-N -2-pyridylpropionamide).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and the ethers of the isomers mentioned in clause 2 of

this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule, other than a preparation or mixture named or described in Part 6 of this Schedule.

6. Preparations of pseudoephedrine, its salts, isomers, esters, and ethers (if any), and the salts of its isomers, esters, and ethers (if any), being preparations –

(a) in solid or liquid form; and

(b) containing not more than 60 mg of pseudoephedrine per dosage unit; and

(c) containing either a single ingredient or being in combination with other pharmacologically active ingredients, being ingredients that are not named or described in Schedule 1 or 2 or in Parts 1, 2, 4, or 5 of this schedule.]

PART 4

1. The following substances, namely:

[ALLOBARBITAL (5,5-diallylbarbituric acid).]

AMOBARBITAL (5-ethyl-5-(3-methylbutyl) barbituric acid).

BUPRENORPHINE (17-cyclopropylmethyl-7,8-dihydro-7-(1-hydroxy-1,2, 2-trimethylpropyl) -6-0-methyl-6, 14-ethano-17-normorphine).]

BUTALBITAL (5-allyl-5-isobutylbarbituric acid).]

BUTOBARBITONE (5-butyl-5-ethylbarbituric acid).

CYCLOBARBITAL (5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid).

GLUTETHIMIDE (2-ethyl-2-phenylglutarimide).

NEALBARBITONE (5-allyl-5-neopentylbarbituric acid).

PENTOBARBITAL (5-ethyl-5-(1-methylbutyl) barbituric acid).

SECBUTABARBITAL (5-sec-butyl-5-ethylbarbituric acid).]

SECOBARBITAL (5-allyl-5-(1-methylbutyl) barbituric acid).

VINYLBITAL (5-(1-methylbutyl)-5-vinylbarbituric acid).

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and the ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, or clause 4 of this Part of this Schedule[, except a mixture of a derivative of barbituric acid named or described in clause 1 of

this Part of this Schedule compounded with one or more other pharmacologically active ingredients not named or described in clause 1 of this Part of this Schedule].

PART 5

1. The following substances, namely:

[ALPRAZOLAM.]

AMFEPRAMONE (2-(diethylamino) propiophenone).

AMINOREX.

BARBITAL (5,5-diethylbarbituric acid).

BROMAZEPAM.

BROTIZOLAM.

CAMAZEPAM.

CHLORDIAZEPOXIDE.

CLOBAZAM.

CLONAZEPAM.

CLORAZEPATE.

CLOTIAZEPAM.

CLOXAZOLAM.

DELORAZEPAM.

DIAZEPAM.

EPHEDRINE.

ESTAZOLAM.

ETHCHLORVYNOL (ethyl-2-chlorovinylethynyl-carbinol).

ETHINAMATE (1-ethynylcyclohexanol carbamate).

ETHYL LOFLAZEPATE.

FLUDIAZEPAM.

FLUNITRAZEPAM.

FLURAZEPAM.

HALAZEPAM.

HALOXAZOLAM.

KETAZOLAM.

LOPRAZOLAM.

LORAZEPAM.

LORMETAZEPAM.

MAZINDOL (5-(4-chlorophenyl)-2, 5-dihydro-3H-imidazo [2, 1-a]-isoindol-5-ol).

MEDAZEPAM.

MEPROBAMATE (2-methyl-2-propyl-1,3-propanediol dicarbamate).

METHYLPHENOBARBITAL (5-ethyl-1-methyl-5-phenylbarbituric acid).

METHYLPRYLON (3,3-diethyl-5-methylpiperidine-2,4-dione).

MIDAZOLAM.

NIMETAZEPAM.

NITRAZEPAM.

NORDAZEPAM.

OXAZEPAM.

OXAZOLAM.

PEMOLINE.

PHENOBARBITAL (5-ethyl-5-phenylbarbituric acid).

PHENTERMINE (2-amino-2-methyl-1-phenylpropane).

PINAZEPAM.

PIPRADROL (1,1-diphenyl-1-(2-piperidyl)methanol).

PRAZEPAM.

PSEUDOEPHEDRINE (other than a preparation referred to in clause 6 of Part 3 of this schedule).

SPA ((-)-1-dimethylamino-1,2-diphenylethane).

TEMAZEPAM.

TETRAZEPAM.

TRIAZOLAM.

2. The isomers of the substances mentioned in this Part of this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

3. The esters and ethers of the substances mentioned in this Part of this Schedule and the esters and the ethers of the isomers mentioned in clause 2 of this Part of this Schedule whenever the existence of such esters or ethers is possible.

4. The salts of the substances mentioned in this Part of this Schedule and the salts of the isomers, esters, and ethers mentioned in clause 2 or clause 3 of this Part of this Schedule.

5. Mixtures of a derivative of barbituric acid named or described in Part 4 of this Schedule compounded with one or more other pharmacologically active ingredients not named or described in Part 4 of this Schedule.

5A. Preparations of propoxyphene, its isomers, esters, and ethers, if any, its salts, and the salts of its isomers, esters, or ethers, if any, for oral use containing not more than the equivalent of 135 milligrams of propoxyphene base per dosage unit or with a concentration of not more than 2.5 percent in undivided preparations, being preparations whereof none of the other ingredients is a substance named or described in Schedules 1 or 2 to this Act or in Parts 1 to 5 of this Schedule.

6. Substances containing any proportion of a substance mentioned in clause 1, clause 2, clause 3, clause 4, [[clause 5 or clause 5A]] of this Part of this Schedule, other than a preparation or mixture named or described in Part 6 of this Schedule.

PART 6

The following substances, namely:

(a) Preparations containing any proportion of the following substances or of any salt of any such substance, namely, acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, and pholcodine when:

(i) Compounded with one or more other pharmacologically active ingredients in such a way that the substance cannot be recovered by

readily applicable means or in a yield which would constitute a risk to health; and

(ii) Containing not more than 100 milligrams of the substance in each dosage unit and with a concentration of not more than 2.5 percent in undivided preparations:

(aa) Preparations containing a derivative of barbituric acid named or described in Part 4 or Part 5 of this Schedule, in solutions containing not more than 0.5 percent of that derivative of barbituric acid:]

(c) Preparations of difenoxin containing, per dosage unit, not more than 0.5mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5 percent of the dose of difenoxin:

(d) Preparations of opium or morphine containing not more than 0.2 percent of morphine, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in Schedules 1 or 2 to this Act or in Parts 1 to 5 of this Schedule in such a way that the opium or the morphine, as the case may be, cannot be recovered by readily applicable means or in a yield which would constitute a risk to health:

(e) Single dosage units of diphenoxylate containing in each unit not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate:

(f) Liquid preparations of diphenoxylate containing, in each millilitre, not more than 0.5 milligrams of diphenoxylate calculated as base and not less than 5 micrograms of atropine sulphate:

(ff) Preparations of propiram containing not more than 100 mg of propiram per dosage unit and compounded with at least the same amount of methylcellulose:

(g) Ipecacuanha and opium powder containing 10 percent of opium in powder and 10 percent of ipecacuanha root in powder intimately mixed with finely powdered lactose:

(h) Mixtures containing not more than one of the preparations specified in paragraphs (a) to (g) of this Part of this Schedule, being mixtures whereof none of the other ingredients is a substance named or described in Schedules 1 or 2 to this Act or in Parts 1 to 5 of this Schedule.

PART 7

AMPHETAMINE ANALOGUES, in which the 1-amino-2-phenylethane nucleus carries any of the following radicals, either alone or in combination:

(a) 1 or 2 alkyl radicals, each with up to 6 carbon atoms, attached to the nitrogen atom:

(b) 1 or 2 methyl radicals, or an ethyl radical, attached to the carbon atom adjacent to the nitrogen atom:

(c) A hydroxy radical, attached to the carbon atom adjacent to the benzene ring:

(d) Any combination of up to 5 alkyl radicals and/or alkoxy radicals and/or alkylamino radicals (each with up to 6 carbon atoms, including cyclic radicals) and/or halogen radicals and/or nitro radicals and/or amino radicals, attached to the benzene ring.

PETHIDINE ANALOGUES, in which a 4-phenylpiperidine nucleus carries any of the following radicals, either alone or in combination:

(a) An alkyl radical, with up to 6 carbon atoms, attached to the nitrogen atom:

(b) A phenalkyl radical, with up to 12 carbon atoms, attached to the nitrogen atom:

(c) A phenalkyl radical, as in paragraph (b), with 1 or more alkyl radicals, each with up to 6 carbon atoms, attached to the benzene ring in the phenalkyl radical:

(d) An alkylcarbonyloxy or alkoxy carbonyl or hydroxy radical, with up to 6 carbon atoms, attached to the 4 position in the piperidine ring:

(e) Any combination of up to 5 alkyl radicals and/or alkoxy radicals (each with up to 6 carbon atoms, including cyclic radicals) and/or halogen radicals, attached to the benzene ring.

PHENCYCLIDINE ANALOGUES, being chemical compounds with the 1-alkylamino-1-arylcyclohexane structure, with any combination of the following alkylamino and aryl radicals:

(a) The alkylamino radical is 1-piperidinyl, 1-pyrrolidinyl, 4-morpholinyl, or any other radical with up to 6 carbon atoms in the alkyl portion:

(b) The aryl radical is phenyl, thienyl, pyridinyl, or pyrrolidinyl:

(c) The aryl radical, as described in paragraph (b), carries any combination of up to 5 alkyl radicals and/or alkoxy radicals (each with up to 6 carbon atoms, including cyclic radicals) and/or halogen radicals.

FENTANYL ANALOGUES, in which the N-[1-(2-phenethyl)-4-piperidyl]aniline nucleus has additional radicals, either alone or in combination, attached as follows:

(a) An acetyl, propionyl, butenoyl or butanoyl radical, attached to the aniline nitrogen atom:

(b) One or more alkyl radicals, with up to 10 carbon atoms in total, attached to the ethyl moiety:

(c) Any combination of up to 5 alkyl radicals and/or alkoxy radicals (each with up to 6 carbon atoms, including cyclic radicals) [[and/or halogen radicals,]] attached to each of the benzene rings.

METHAQUALONE ANALOGUES, in which the 3-arylquinazolin-4-one nucleus has additional radicals, either alone or in combination, attached as follows:

(a) An alkyl radical, with up to 6 carbon atoms, attached at the two position

(b) Any combination of up to 5 alkyl radicals and/or alkoxy radicals (each with up to 6 carbon atoms, including cyclic radicals) and/or halogen radicals, attached to each of the aryl rings.

DMT (DIMETHYLTRYPTAMINE) ANALOGUES, in which the 3-(2-aminoethyl)indole nucleus has additional radicals, either alone or in combination, attached as follows:

(a) 1 or 2 alkyl radicals, each with up to 6 carbon atoms, including cyclic radicals, attached to the amino nitrogen atom:

(b) 1 or 2 methyl groups, or an ethyl group, attached to the carbon atom adjacent to the amino nitrogen atom:

(c) Any combination of up to 5 alkyl radicals and/or alkoxy radicals (each with up to 6 carbon atoms, including cyclic radicals) and/or halogen radicals, attached to the benzene ring.

SCHEDULE 4

PRECURSOR SUBSTANCES

Section 2(1)

PART 1

1. The following substances

ACETIC ANHYDRIDE

N-ACETYLANTHRANILIC ACID

EPHEDRINE

ERGOMETRINE

ERGOTAMINE

ISOSAFROLE

LYSERGIC ACID

3, 4,-METHYLENEDIOXYPHENYL-2 PROPANONE

1-PHENYL-2-PROPANONE

PIPERONAL

POTASSIUM PERMANGANATE

PSEUDOEPHEDRINE

SAFROLE

2. The salts of the substances listed in clause 1 whenever the existence of such salts is possible.

PART 2

1. The following substances:

ACETONE

ANTHRANILIC ACID

ETHYL ETHER

HYDROCHLORIC ACID

METHYL ETHYL KETONE
PHENYLACETIC ACID
PIPERIDINE
SULPHURIC ACID
TOLUENE

2. The salts of the substances listed in clause 1 (other than the salts of hydrochloric acid and of sulphuric acid) whenever the existence of such salts is possible.

PART 3

1. The following substances:

EPHEDRINE

PSEUDOEPHEDRINE

2. The salts of the substances listed in clause 1 whenever the existence of such salts is possible.

SCHEDULE 5

AMOUNT, LEVEL, OR QUANTITY AT AND OVER WHICH CONTROLLED DRUGS ARE PRESUMED TO BE FOR SUPPLY

1	The controlled drugs listed in the first column are presumed to be for supply at and over the amount, level, or quantity listed in the second column.
[[Amphetamine]] Amphetamine	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
Morphine	5 grams, whether or not contained in a substance, preparation, or mixture
Cocaine	half a gram, whether or not contained in a substance, preparation, or mixture
Heroin	half a gram, whether or not contained in a substance, preparation, or mixture
Lysergide	2 and a half milligrams or 25 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
DOB (2-amino-1-(4-bromo-2,5-dimethoxyphenyl)propane) (also known as bromo-DMA)	100 milligrams or 25 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
MDMA (2-methylamino-1-(3,4-methylenedioxyphenyl)propane)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
NETHYLMDA (2-ethylamino-1-(3,4-methylenedioxyphenyl)propane)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
MDA (2-amino-1-(3,4-methylenedioxyphenyl)propane)	5 grams or 100 flakes, tablets, capsules, or other drug forms each containing some quantity of the drug
Tetrahydrocannabinol (as described in Schedule 2)	250 milligrams, whether or not contained in a substance, preparation, or mixture
Any cannabis preparation (as described in Schedule 2)	5 grams or 100 cigarettes containing the drug
Cannabis plant (as described in Schedule 3)	28 grams or 100 cigarettes containing the drug
Methamphetamine	5 grams, whether or not contained in a substance, preparation, or mixture
2	Any controlled drug not specified in clause 1 is presumed to be for supply at and over the level of 56 grams.

I, ATAPANA SIAKIMOTU, Speaker of the Niue Assembly, hereby certify that the requirements of Article 34 of the Niue Constitution have been duly complied with.

SIGNED AND SEALED at the Assembly Chambers the 7th day of November 2007.

(sgd)

Speaker of the Niue Assembly

COUNTERSIGNED in the presence of the Speaker

(sgd)

Clerk of the Niue Assembly

This Act was passed by the Niue Assembly on the 3rd day of October 2007.