

FACT SHEET

Misuse of Drugs Amendment (Drug Analysis) Bill 2018

The Misuse of Drugs Amendment (Drug Analysis) Bill 2018 amends the Misuse of Drugs Act 2001 by inserting a new Part 4A to establish a legal framework for lawful drug analysis (pill testing).

The Bill establishes a Drug Analysis Advisory Committee to advise on matters related to drug analysis, as well as the operation of the new part and regulations under the part.

The new part establishes a system for the issuing of permits and licences for conducting drug analysis.

The Bill sets out the circumstances in which a person is not liable for offences under the Principal Act. Under the proposed amendments, a person has not committed an offence under the Principal Act if their conduct was necessary or reasonable for the purposes of procuring or delivering a permitted or licensed drug analysis service.

Provisions also ensure that if a person could have reasonably believed that an unauthorised service was authorised they are still protected.

In the case of a person procuring services, a person is still liable for offences if they possess a trafficable quantity of a controlled substance.

The Bill also provides for penalties for breaching a permit or licence condition, the revocation of a permit or licence, and disqualification from delivering drug analysis services.