

24 June 2021

Health Committee  
New Zealand Parliament

Tēnā koe

## **Drug and Substance Checking Legislation Bill (No 2)**

Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on the Drug and Substance Checking Legislation Bill (No 2).

NZNO is the leading professional nursing association and union for nurses in Aotearoa New Zealand, representing 51,000 nurses, midwives, students, kaimahi hauora and health workers on professional and employment matters. NZNO embraces te Tiriti o Waitangi and contributes to the improvements of the health status and outcomes for all Aotearoa New Zealanders through influencing health, employment, and social policy development. Furthermore, we share the intent of the Ministry of Health's definition of equity which equally applies to NZNO work across professional, industrial and member activities.

In principle, NZNO supports the Bill which when enacted would establish functions of providers of services offering drug and substance checking, prevent service providers from collecting, storing or disclosing personal information and offers protections for service providers from liability for errors or omissions in the testing. NZNO endorses Section 35DB (1) (a) '*provide information and harm reduction advice ...*' because of the educative and advocacy role nurses have when working with service users, including opportunities to have conversations about the purpose of drug use, safety, counselling and improving health literacy.

In the preparation of this submission NZNO has consulted its members, specifically nurses working with youth, for example the New Zealand School Nurses (NZSN) group who are experiencing a growing number of requests from students to check substances they are planning to use. NZNO acknowledges the work of the New Zealand Drug Foundation and their partners KnowYourStuffNZ who have lobbied for this legislation and share our position that recreational drug use becomes a health matter rather than a criminal justice matter.

NZNO has reservations about Section 35DG '*Service providers not to collect, etc personal information*'. This may constrain nurses' duty of care, when as part of the conversation they have with a service user, they become aware of safety issues which nurses have a professional obligation to share with others in order to keep an individual user safe.

An anonymous service which does not collect or store information increases the likelihood the service will be used. However no data collection, on for example ethnicity and age of users, will limit the ability of providers to evaluate their service to ensure equitable access and the targeting of

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services to events and situations where there are likely to be vulnerable groups.

There remain significant questions about funding and resourcing of drug and substance checking services. Service providers once appointed will need access to appropriate equipment (spectrometers) and a skilled workforce which may include nurses. Resourcing of this new health service with a commitment to harm reduction as a health intervention, must be considered alongside the development of the legislation.

NZNO also has concerns about the following issues:

- how the voluntary act of submitting a substance for testing is protected perhaps in a scenario where a parent finds a substance and brings the substance to a service provider for testing. Will the test be conducted and if it is, to whom does the result and the substance 'belong'?
- what happens when the practice of selling substances to minors is revealed through use of the service or a pregnant woman seeks substance checking?
- the obligations of the service provider at a specific event where testing results indicate a dangerous substance is circulating.

In conclusion NZNO supports the Bill but draws the Health Committees attention to the concerns detailed above which need further consideration.

Please note that we do not wish to make an oral submission.

Nāku noa nā

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