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Committee Secretariat
Health Committee
Parliament Buildings
WELLINGTON

Submission on the Drug Overdose (Assistance Protection) Legislation Bill

Te Hiringa Mahara – Mental Health and Wellbeing Commission (the Commission) is making this submission on the Drug Overdose (Assistance Protection) Legislation Bill (the Bill) in recognition of its potential impact on mental health and wellbeing outcomes for people with lived experience of mental distress and addiction.

The Commission was established as an independent Crown entity by the Mental Health and Wellbeing Commission Act 2020 (the Act), following the He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction.

Our legislated functions are to:

- assess and report on the mental health and wellbeing of people in New Zealand, and the factors and approaches that affect them
- make recommendations to improve the effectiveness, efficiency, and adequacy of approaches to mental health and wellbeing
- monitor mental health and addiction services and to advocate improvements to those services
- promote alignment, collaboration, and communication between entities involved in mental health and wellbeing
- advocate for the collective interests of people who experience mental distress or addiction (or both), and the persons (including family and whānau) who support them.

We have specific obligations in the Act to have particular regard to the experience of, and outcomes for Māori when we perform these functions, and to have regard to the cultural, economic, educational, spiritual, societal, environmental, and other factors that affect people's mental health and wellbeing.

It is because of these mandated roles and responsibilities that the Commission is putting forward a submission on this Bill.

In line with our proactive release of information policy, we will publish this submission on our website.

Parts of the Bill this submission relates to:

1. The Commission supports the Bill in its entirety as an effective tool to reduce drug-related harm. This submission outlines the reasons for our support.

It is likely that this legislation will reduce overdose fatalities in Aotearoa New Zealand.

2. Aotearoa New Zealand currently loses approximately three people per week to accidental alcohol or other drug overdose¹. This trend appears to be increasing over time.
3. Most overdoses or adverse drug events are witnessed by people known to the victim, and who are often people who use drugs themselves². Fear of arrest and punishment is a known factor that prevents people who are using drugs from contacting services in an adverse event, with estimates of only 10-56%³ of people who witness an overdose doing so, and 39.6%⁴ of people at risk of drug harm saying they would be worried to call 111 if someone was experiencing an adverse reaction.
4. The Bill aims to increase the likelihood of emergency services being called to accidental overdoses and other adverse drug events by reducing barriers created by fear of arrest and prosecution. Such laws have been called for by harm reduction experts in Aotearoa New Zealand for at least 14 years⁵. Where such laws have been implemented in other countries, they are associated with reductions in overdose deaths⁶. It is estimated that between 19 and 28 lives per year could be saved by such a law in Aotearoa New Zealand⁷.

It will support equity of outcomes for Māori.

5. Māori have the highest rate of accidental overdose fatalities at 2.8 times that of non-Māori⁸. Additionally, Māori are disproportionately arrested and convicted for low-level drug offences despite the 2019 amendment to the Misuse of Drugs Act which provided police with discretion around arrests for such offences⁹. Thus, freedom from risk of arrest would significantly reduce barriers to seeking help for Māori and whānau in the event of accidental overdose, supporting improved equity of outcome.

¹ NZ Drug Foundation. 2025. **Drug overdoses in Aotearoa 2025**. Wellington: NZ Drug Foundation.

² Bohnert AS, Tracy M, Galea S. 2012. **Characteristics of drug users who witness many overdoses: implications for overdose prevention**. Drug and Alcohol Dependence. Jan 1;120(1-3):168-73.

³ NZ Drug Foundation. 2012. Don't hesitate. Article: <https://drugfoundation.org.nz/news-and-reports/dont-hesitate>

⁴ NZ Drug Foundation. 2025. **Safer drug laws for Aotearoa New Zealand: Evidence to inform regulatory change**. Wellington: NZ Drug Foundation.

⁵ See footnote 3.

⁶ Leah Hamilton, Corey S. Davis, Nicole Kravitz-Wirtz, William Ponicki, Magdalena Cerdá. 2021. Good Samaritan laws and overdose mortality in the United States in the fentanyl era. International Journal of Drug Policy, Volume 97.

⁷ NZ Drug Foundation. 2026. **Good Samaritan overdose laws. Fact sheet**. Wellington: NZ Drug Foundation.

⁸ See footnote 1.

⁹ Rapana W, Winter T, Fox R, Riordan BC, Kulkarni R, Waitoki W, Scarf D. 2022. Indigenous people in Aotearoa New Zealand are overrepresented in cannabis convictions. Harm Reduction Journal. 2022 Mar 17;19(1):28.

It will improve opportunities for contact with services and follow up to prevent future overdose.

6. Research has shown that a non-fatal overdose can be an indicator of likely future overdose harm, with nearly a third of individuals who died from accidental opioid overdose having utilised emergency services in the previous year¹⁰. Removing barriers to use of emergency services presents an opportunity to identify individuals who are at risk of fatal overdose for ongoing follow-up support.
7. Follow-up support within 7 days for individuals who have received emergency medical treatment for opioid use disorder can reduce the likelihood of overdose within 6 months of the event¹¹.
8. Contact with emergency services also provides a critical touchpoint to engage survivors of nonfatal overdose in evidence-based treatment, harm reduction and other support services¹².
9. Therefore, the Bill will also support the aims of the Government's Action Plan to Prevent and Reduce Substance Harm 2026-2029¹³, particularly the prevention and early intervention actions associated with screening and brief intervention, post-discharge follow-up, and overdose response.

Recommendations

10. The Commission recommends that the Bill be passed in its entirety.

Nāku noa, nā,

Dr Ella Cullen

Kaiwhakahaere Punaha Toiora Arataki/Mohiotanga / Director – Wellbeing System Leadership & Insights

Te Hiringa Mahara - Mental Health and Wellbeing Commission

¹⁰ Barefoot, E.H., Cyr, J.M., Brice, JH, Bachman, M.W., et al. 2021. **Opportunities for Emergency Medical Services Intervention to Prevent Opioid Overdose Mortality**. *Prehosp Emerg Care*. 2021 Mar-Apr;25(2):182-190.

¹¹ Cunningham, P., Barnes, A., Mohamoud, S. et al. 2022. **Follow-up after ED visits for opioid use disorder: Do they reduce future overdoses?** *Journal of Substance Abuse Treatment*, 2022; 142.

¹² Paradise, R.K., Simeon D. Kimmel, Alykhan Nurani, et al. 2025. **Building connection: overdose survivors' and professional service providers' perspectives on immediate post-overdose care**. *International Journal of Drug Policy*, Volume 145.

¹³ Ministry of Health. 2026. **Action Plan to Prevent and Reduce Substance Harm 2026 –2029**. Wellington: Ministry of Health.