

Request for a Temporary Class Drug Order

Misuse of Drugs Act 1975

Please forward completed form to: tcdo@health.govt.nz. An email will be sent to acknowledge receipt of this request within two working days.

Date: 7 November 2022

Organisation: National Drug Intelligence Bureau

Name of substance, mixture, preparation or article: ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA

Has the substance (or mixture, preparation or article) been identified by ESR?

Yes

No

The Minister of Health must not make an order unless satisfied that the substance, preparation, mixture, or article that is to be specified in the order poses, or may pose, a risk of harm to individuals or to the public.

Supporting information should include at least one of the below examples.

- Evidence of drug abuse *e.g., prevalence of the drug, levels of consumption, drug seizures, and/or potential appeal to vulnerable populations*

ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA are synthetic cannabinoid compounds not currently controlled under the Misuse of Drugs Act 1975 or when for personal use under the Medicines Act 1981.^{1,2} It is also the opinion of the Psychoactive Substances Regulatory Authority that there is currently insufficient evidence to determine if these substances are capable of inducing a psychoactive effect, therefore these substances are unlikely to be controlled under the Psychoactive Substances Act 2013. This means these substances are not controlled under any legislation so can be freely imported and sold in New Zealand. Should this become publicly known, it is possible the uncontrolled status will incentivise the importation and distribution of these substances.

Synthetic cannabinoid compounds are commonly sold on international drug vending websites as 'research chemicals' and have no legitimate use in any international jurisdiction. Once in New Zealand synthetic cannabinoid compounds such as ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA are typically applied to smokable plant material and sold as synthetic cannabis.

¹ Personal communications, The Psychoactive Substances Regulatory Authority, 31 August 2022

² Personal communications, The Psychoactive Substances Regulatory Authority, 31 August 2022

Both ADB-5Br-INACA and MDMB-5Br-INACA were first detected in New Zealand in June 2022. Since then, there have been no further detections of these substances.

- ADB-5Br-INACA was first detected at the border by New Zealand Customs in a 1,004-gram seizure of synthetic cannabinoid powder (this is equivalent to approximately 300,000 common doses).³ Given the quantity of this seizure it was almost certainly imported with the intention of supply.
- MDMB-5Br-INACA was first detected in the community at a public drug checking clinic. The sample, a small capsule filled with powder, was presented to the clinic as a suspected MDMA sample.⁴

MDMB-INACA was first detected in October 2022 at the border by New Zealand Customs in a seizure of synthetic cannabinoid powder.

Given the nature of these detections it is likely these substances are in wider circulation than would appear, however it is difficult to quantify the prevalence of specific synthetic cannabinoid compounds in New Zealand. Police seizures of synthetic cannabinoids are rarely analysed to identify the specific compound present, as such seizures are often recorded generically as 'synthetic cannabis'.⁵ Other methods of identification such as drug checking and New Zealand's Wastewater Analysis Programme are also limited. Drug checking providers rarely analyse synthetic cannabis samples due to limitations with equipment in analysing substances on plant material. New Zealand's Wastewater Analysis Programme does not include synthetic cannabinoid compounds.

Looking forward, it is possible ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA will become more prevalent in New Zealand. In July 2021, the People's Republic of China criminalised some of the most common synthetic cannabinoid structures, effectively banning all synthetic cannabinoid compounds identified in New Zealand up until that point.^{6,7} ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA are not captured by this ban and will possibly be imported into New Zealand as replacements to banned compounds. As replacements to banned compounds, ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA will likely be sought after by people who use synthetic cannabis.

Traditionally, people who use synthetic cannabinoids in New Zealand are more likely to be from vulnerable and low-socioeconomic populations and experiencing co-occurring mental health issues. Dissociation appears to be a primary motivation for use, with people who use synthetic cannabinoids reporting doing so to 'get out of it' and 'get away from reality'.⁸

³ Illicit Drug Dosages in a New Zealand Context, September 2022, NDIB

⁴ <https://knowyourstuff.nz/2022/08/02/synthetic-cannabinoid-mdmb-5br-inaca/> - retrieved 22 September 2022 at 1122hrs.

⁵ The NDIB are currently working with the ESR on the fifth iteration of Project Synnie, which will see Police seizures of synthetic cannabis from February to September 2022 analysed to give a picture of how the market has changed since 2017. If necessary, and when available, preliminary data from this project can be shared with the Ministry of Health to support this TCDO request.

⁶ Ministry of Public Security, the National Health Commission and the National Medical Products Administration (2021). The Announcement of Adding Synthetic Cannabinoids and 18 new psychoactive substances including Fluoroketamine to the Supplementary List of Controlled Narcotic Drugs and Psychotropic Substances with Non-medical Use.

⁷ The ban captured all indole and indazole synthetic cannabinoid compounds. The NDIB assesses most, if not all synthetic cannabinoid powder is made in China.

⁸ Synthetic Cannabinoids in New Zealand, April 2022, NDIB

It is likely ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA are being sold at similar prices to other synthetic cannabinoid compounds. Regardless of the synthetic cannabinoid compound present, synthetic cannabis prices have remained consistent over the last four years. The cost of a typical bag (1-3g) remains \$20, and one ounce sells for around \$400.⁹ It is likely the low cost, relative to other drugs, acts as an incentive for people who use synthetic cannabinoids.

Please provide supporting information to demonstrate that this substance poses, or may pose a risk of harm to individuals or the public below

- Specific effects of the drug *e.g., behavioural effects (disorientation, aggression, violence), toxicological effects (adverse health effects such as vomiting or seizing) or pharmacological effects (intoxication).*

Due to the novelty of these substances, little to no information is currently known about the activity, potency, and/or toxicity of ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA. Neither ADB-5Br-INACA or MDMB-5Br-INACA of the substances has been identified in forensic toxicology cases in New Zealand.¹⁰ Recent in vitro studies have shown ADB-5Br-INACA to exhibit cannabinoid (CB) receptor activity, but overall potency is expected to be low.¹¹ The client who submitted the MDMB-5Br-INACA sample to the drug checking clinic stated the substance produced extreme and rapid anxiety.¹²

Despite an overall lack of information on these compounds, ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA come from a family of drugs that have caused extensive harm in the past, including deaths. More than 70 New Zealanders are confirmed or suspected to have died due to synthetic cannabinoid use since mid-2017. Based on preliminary 2020/2021 data, synthetic cannabinoids are linked to the second highest number of drug-related deaths in New Zealand, after opioids.¹³

Synthetic cannabinoid overdoses can produce a high fever, chest pains or difficulty breathing, temporary paralysis, psychosis, a seizure or a stroke or loss of consciousness (known as 'dropping').¹⁴

Information suggests some accidental overdoses from synthetic cannabinoids are due to the ad hoc methods used when applying synthetic cannabinoids to plant material. This can result in varying concentrations of the substance being applied, even within the same batch.¹⁵

It is also unlikely people manufacturing synthetic cannabis are aware of the specific substance they possess and therefore what dose they should be applying. Synthetic cannabinoids can have different strengths therefore what would be a moderate or effective dose of one

⁹ Synthetic Cannabinoids in New Zealand, April 2022, NDIB

¹⁰ MDMB-INACA has yet to be added to the spectroscopy libraries in the ESR toxicology lab so can not be analysed for yet.

¹¹ https://www.npsdiscovery.org/wp-content/uploads/2022/05/ADB-5Br-INACA_051722_CFSRE-Chemistry_Report.pdf - retrieved 22 September 2022 at 1539hrs.

¹² <https://knowyourstuff.nz/2022/08/02/synthetic-cannabinoid-mdmb-5br-inaca/> - retrieved 22 September 2022 at 1122hrs.

¹³ Synthetic Cannabinoids in New Zealand, April 2022, NDIB

¹⁴ <https://thelevel.org.nz/drug-information/synthetic-cannabinoids/> - retrieved 21 September 2022 at 1334hrs.

¹⁵ Synthetic Cannabinoids in New Zealand, April 2022, NDIB

substance might be a fatal dose for another.¹⁶ New substances with little known about them, such as ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA, pose the greatest risk.

General comment for justification

Despite limited information on ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA, it should not be overlooked these substances come from a family of drugs that have caused significant harm in New Zealand. Like other synthetic cannabinoid compounds, there is a real possibility ADB-5Br-INACA, MDMB-5Br-INACA and MDMB-INACA will cause harm to people who use synthetic cannabis. There is no benefit in keeping these substances uncontrolled and it is possible this will incentivise the importation and distribution of these substances.

The National Poisons Centre has not received any calls with reported exposures to either ADB-5Br-INACA or MDMB-5Br-INACA. However, as chemicals that are structurally like other known synthetic cannabinoids, there is a high probability that both these chemicals will be potent agonists at cannabinoid receptors and therefore capable of causing acute harms (both morbidity and mortality) when used by an individual.¹⁷

¹⁶ Synthetic Cannabinoids in New Zealand, April 2022, NDIB

¹⁷ Personal communications, Director of the National Poisons Centre, 22 September 2022.