



**New Zealand House of Representatives**  
Te Whare Māngai o Aotearoa

**Health Committee**

Komiti Whiriwhiri Take Hauora

54th Parliament

October 2024

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**Therapeutic Products Act Repeal Bill**

67—1

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Presented to the House of Representatives  
by Sam Uffindell, Chairperson

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# Therapeutic Products Act Repeal Bill

## Recommendation

The Health Committee has examined the Therapeutic Products Act Repeal Bill and recommends by majority that the bill be passed.

## About the bill

The Therapeutic Products Act Repeal Bill seeks to repeal the Therapeutic Products Act 2023 (the TPA), which is due to commence by 1 September 2026. The bill would revert the regulation of medicines, medical devices, and natural health products to previous settings, under the Medicines Act 1981 and other legislation.

The bill would also make amendments to the Food Act 2014 so that the Dietary Supplement Regulations 1985 would expire on 1 March 2026, instead of on the date currently provided for in the Food Act 2014 (being the date that section 398 of the Therapeutic Products Act 2023 commences: no later than 1 September 2026). The TPA would also have amended other legislation but, as those amendments have yet to take effect, the planned amendments would lapse with the repeal of the TPA.

We understand that reverting to the Medicines Act and Dietary Supplements Regulations is not the Government's preferred long-term approach. We note that the Government intends to consider proposals for new legislation that would replace the Medicines Act and Dietary Supplements Regulations while supporting the Government's priorities. Advisers told us that broad issues raised by submitters during our consideration will be considered as part of future proposals for the regulation of medicines, medical devices, and natural health products (NHPs).

Some of us consider that the TPA may have added unnecessary regulation of therapeutic products. This would be a particular issue for lower-risk medical devices and NHPs. The cost of complying with this regulation could fall on consumers, industry, and exporters.

## About the Therapeutic Products Act

The TPA was introduced on 30 November 2022, and was intended to repeal and replace the Medicines Act and Dietary Supplements Regulations. The Medicines Act regulates medicines in New Zealand and is administered by the Ministry of Health. The Medicines Act requires suppliers of medical devices to notify Medsafe via the Web Assisted Notification of Devices (WAND) database. Natural health products are currently regulated by various pieces of law, including the Dietary Supplements Regulations (made under the now-repealed Food Act 1981), but they do not have one central regulator. The TPA would have established a regulatory regime for NHPs.

The Health Committee of the 53rd Parliament considered the TPA. The committee reported to the House on 13 June 2023 and the bill received Royal assent on 26 July 2023.

## **Issues raised by submitters**

Most of the 224 submissions we received related to the topic of regulatory regimes for medicines, medical devices, and NHPs. We discuss some of these issues below. Other issues raised by submitters include the time, money, and effort already spent on the process of introducing the TPA in the first place, and concerns about the exemption of rongoā Māori from the TPA. We were assured by advisers that all issues raised during the process of this repeal bill will be taken into consideration when developing future legislation.

## **Regulatory regimes for medicines, medical devices, and NHPs**

The majority of submitters supported the repeal of the TPA, while also acknowledging the need for legislation to replace the Medicines Act and Dietary Supplements Regulations. These submitters said that the Medicines Act is not fit for purpose, but considered that the TPA was not the right replacement. Some submitters disagreed with the increased regulations under the TPA. They noted that excessive compliance costs and regulatory burdens could create costs that would, in turn, be passed on to consumers and the health system at large.

Other submitters were concerned that the repeal of the TPA may leave gaps in the regulation of medical devices within New Zealand, as the TPA introduced regulations not already covered in the Medicines Act.

We received a large number of submissions in support of the repeal bill on the grounds that the TPA over-regulated the low-risk sector of natural health products. Many submitters considered that the NHP industry is safe and effectively regulated, and were concerned about the loss of freedom of choice if regulations were increased. If a regime for NHPs is created in future, submitters recommended that this be separate from medicines and medical devices, as the level of costs and controls needed would be very different.

Several submitters, whether in support of the bill or not, pointed out issues with the current regime for the regulation of medicines, medical devices, and NHPs. Issues discussed include the regulation of direct-to-consumer advertising of prescription medicines and the inability of nurse practitioners to supply unapproved medicines under prescription. Section 29 of the Medicines Act allows doctors to request the supply of a medicine that has not been approved by Medsafe. Submitters told us that, under the Medicines Act, nurse practitioners have all the prescribing powers of doctors, with the exception of being able to supply unapproved medicines. The TPA would have allowed the prescribing powers to be expanded, subject to the approval of the Nursing Council and the Minister of Health. Submitters suggested that this could be amended in future legislation.

## **Our conclusion**

We wish to thank submitters for the time they took to make their submissions, both on this repeal bill and the TPA. We note the prevailing view of submitters that the Medicines Act and Dietary Supplements Regulations are not fit for purpose, but that the TPA was not the solution. The Government will be putting forward new legislation that will address the concerns raised by submitters.

## **Labour Party and Green Party of Aotearoa New Zealand differing view**

The repeal means that the Medicines Act remains in force, and there is no expedited pathway for approval of medicines in a public health emergency. The repeal further delays the presence of a modern regulatory regime in New Zealand.

## Appendix

### Committee procedure

The Therapeutic Products Act Repeal Bill was referred to the committee on 25 June 2024. The closing date for submissions was 29 July 2024. We received and considered submissions from 218 interested groups and individuals. We heard oral evidence from 19 submitters at hearings in Wellington and via videoconference.

We received advice on the bill from the Ministry of Health | Manatū Hauora. The Office of the Clerk provided advice on the bill's legislative quality.

### Committee members

Sam Uffindell (Chairperson)  
Dr Hamish Campbell  
Dr Carlos Cheung  
Ingrid Leary  
Cameron Luxton  
Hūhana Lyndon  
Jenny Marcroft  
Debbie Ngarewa-Packer  
Hon Dr Ayesha Verrall

### Related resources

The documents that we received as advice and evidence are available on the [Parliament website](#).