



Land Transport (Drug Driving) Amendment Act 2022

Public Act 2022 No 5
Date of assent 11 March 2022
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport (Drug Driving) Amendment Act 2022.

2 Commencement

This Act comes into force immediately after the expiry of the 12-month period that starts on the date of Royal assent.

Part 1

Amendments to Land Transport Act 1998

3 Amendments to Land Transport Act 1998

This Part amends the Land Transport Act 1998.

4 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:

blood concentration level means, for a qualifying drug, the proportion of the drug in a person's blood

evidence of use of a qualifying drug has the meaning set out in section 11A(2)

first oral fluid test means an oral fluid test carried out under section 71A

high-risk level means, for a listed qualifying drug, the blood concentration level specified for the drug in Part 1 of Schedule 5

listed qualifying drug means a qualifying drug listed in Schedule 5

oral fluid test means a test that is carried out—

- (a) by means of an oral fluid testing device; and
- (b) in a manner approved for that device by the Minister of Police under section 71G

oral fluid testing device means a device of a kind approved by the Minister of Police under section 71G for the purpose of testing oral fluid for the presence of the qualifying drugs specified in a notice made under that section

second oral fluid test means an oral fluid test carried out under section 71B

tolerance level means, for a listed qualifying drug, the blood concentration level specified for the drug in Part 2 of Schedule 5

unlisted qualifying drug means a qualifying drug not listed in Schedule 5

- (2) In section 2(1), definition of **compulsory impairment test**, replace “determine” with “indicate”.

- (3) In section 2(1), replace the definition of **positive** with:

positive,—

- (a) in relation to the result of an evidential breath test, means the result of the test indicates,—
 - (i) in the case of a person who holds an alcohol interlock licence or a zero alcohol licence, that the breath of the person who underwent the test contains alcohol; or
 - (ii) in the case of a person who is apparently younger than 20, that the breath of the person who underwent the test contains alcohol; or