

Submission: Drug Overdose (Assistance Protection) Bill

**By the Mental Health Foundation of
New Zealand**



16 June 2026
Health Committee

Submission: Drug Overdose (Assistance Protection) Bill

Tuia te rangi e tū nei
Tuia te papa e takoto nei
Tuia i te here tangata
Tihei mauri ora.

He hōnore, he korōria ki te atua ki te runga rawa
He whakaaro maha ki a rātou kua haere ki te wāhi ngaro
E ngā rau rangatira mā, ānei ngā whakaaro me ngā kōrero nā Te Hauora
Hinengaro.

Thank you for the opportunity to comment on the Drug Overdose (Assistance Protection) Bill (the Bill).

The Mental Health Foundation of New Zealand (MHF) is a charity that promotes everyday actions that lift mental wellbeing, provides tools that support people through tough times, and advocates for a better mental health system and society.

The MHF supports a health-based approach to drug regulation, where drug use is treated as a health and social issue and not a criminal one. We support a harm-reduction approach, including through prevention initiatives, information, education, and support and treatment, to prevent and reduce the health, social and legal harms from substance use.

We commend the introduction of this Bill and fully support its passing. The protections provided by this Bill have the potential to save lives by encouraging help-seeking during overdose events, facilitating timely medical intervention and creating opportunities for further support and treatment. In Aotearoa New Zealand, on average, three people a week die from accidental overdose. Coronial findings have repeatedly identified witness hesitation to call for help as a contributing factor in preventable deaths. A recent survey of people at risk of drug harm found that 39.6 percent would be worried to call 111 if someone was experiencing an adverse

reaction.¹ This Bill provides concrete reassurance to people trying to help an overdose victim that they will not be arrested for calling for help.

We support the New Zealand Drug Foundation's submission and their proposed technical amendments to improve the effectiveness of the Bill, including but not limited to:

- including protections against warrantless arrest,
- removing ambiguity about protections for people at the scene,
- ensuring protections cover overdoses with substances controlled outside of the Misuse of Drugs Act 1975, and
- strengthening the social sharing provisions in the Bill.

People experiencing mental distress are more likely to use substances and face heightened overdose risk

Evidence consistently demonstrates a strong association between mental health challenges and substance use. The 2022/23 Australian National Drug Strategy Household Survey (NDSHS) found that adults experiencing high or very high levels of psychological distress were 2.5 times more likely to use illicit drugs than those experiencing low levels of distress. Similarly, adults with a mental illness were 1.8 times more likely to use illicit drugs than those without a mental illness.²

The relationship between mental illness and substance use is complex and often interconnected. Mental illness may contribute to substance use as people attempt to manage or self-medicate distressing symptoms. Equally, substance use can contribute to the development or worsening of mental health challenges.

People experiencing mental distress are more likely to be exposed to drug-related harms, including overdose.³ A Canadian study found overdose rates were elevated in people with a mental illness alone, higher among those with a substance use disorder alone, and highest in those with a dual diagnosis.⁴ An American study also found that adults experiencing psychological distress were at greater risk of drug overdose death, even after adjusting for demographic characteristics.⁵

Many overdose deaths occur despite opportunities for intervention

As noted by the New Zealand Drug Foundation, a non-fatal overdose is a major predictive factor for a future fatal overdose. However, many people who experience a non-fatal overdose do not receive timely support or treatment, meaning opportunities to prevent future harm can be missed.⁶ In 2022, 22 percent of Americans who died of drug overdose had a non-substance-related mental health condition, and approximately only one quarter of this group had at least one recent potential opportunity for intervention, such as engagement with substance use treatment services or a recent emergency department visit.⁷ Implementation of laws such as this Bill can reduce barriers to seeking emergency assistance during overdose events, helping ensure that opportunities for life-saving intervention are not missed.

Drug overdoses are an equity issue

Drug-related harm and overdose do not affect all population groups equally. Evidence indicates that some communities experience disproportionately higher rates of overdose, substance use, and the underlying risk factors associated with drug-related harm.

Māori are disproportionately affected by drug poisoning and overdose. Māori experience twice the rate of drug poisonings resulting in hospital visits compared with non-Māori, and have an overdose death rate that is 2.8 times higher.⁸

Disabled people experience elevated exposure to substances associated with overdose risk. Compared with non-disabled people, disabled people are 4.55 times more likely to report opioid use in the previous year, 3.73 times more likely to report amphetamine or methamphetamine use, and 2.71 times more likely to report psychedelic use.⁹

Conclusion

The evidence highlights the importance of reducing barriers to seeking emergency assistance during an overdose event. When people are reluctant to seek emergency assistance because they fear legal consequences, critical opportunities to save lives and connect people with support may be lost. We support the Drug Overdose (Assistance Protection) Bill as a practical and evidence-based harm reduction measure that can contribute to reducing drug-related harm and preventing avoidable deaths.

Mauri tū, mauri ora,

Shaun Robinson

Chief Executive

References

- ¹ New Zealand Drug Foundation. (2025). *Safer drug laws for Aotearoa New Zealand. Evidence to inform regulatory change.*
<https://resources.drugfoundation.org.nz/products/safer-drug-laws-for-aotearoa-new-zealand>
- ² Australian Institute of Health and Welfare. (2025, August 19). *Mental health and substance use.* <https://www.aihw.gov.au/mental-health/topic-areas/health-wellbeing/mental-illness-and-substance-use#what>
- ³ Ibid.
- ⁴ Keen, C., Kinner, S. A., Young, J. T., Jang, K., Gan, W., Samji, H., Zhao, B., Krausz, M., & Slaunwhite, A. (2021). Prevalence of co-occurring mental illness and substance use disorder and association with overdose: a linked data cohort study among residents of British Columbia, Canada. *Addiction*, 117(1), 129–140.
<https://doi.org/10.1111/add.15580>
- ⁵ Aram, J. W., Spencer, M. R. T., Garnett, M. F., & Hedegaard, H. B. (2022). Psychological distress and the risk of drug overdose death. *Journal of Affective Disorders*, 318, 16–21. <https://doi.org/10.1016/j.jad.2022.08.115>
- ⁶ New Zealand Drug Foundation. (2025). *Drug Overdoses in Aotearoa 2025.*
<https://drugfoundation.org.nz/assets/PageBlocks/Downloads/DrugOverdosesInAotearoa2025.pdf>
- ⁷ Dinwiddie, A., Gupta, S., Mattson, C., O'Donnell, J., & Seth, P. (2024). Reported Non-Substance-Related Mental Health Disorders Among Persons Who Died of Drug Overdose — United States, 2022. *Morbidity and Mortality Weekly Report*, 73(34), 747–753. <http://dx.doi.org/10.15585/mmwr.mm7334a3>
- ⁸ New Zealand Drug Foundation. (2025). *Drug Overdoses in Aotearoa 2025.*
<https://drugfoundation.org.nz/assets/PageBlocks/Downloads/DrugOverdosesInAotearoa2025.pdf>
- ⁹ New Zealand Drug Foundation. (2025). *Drug use in Aotearoa 2023/24.*
<https://drugfoundation.org.nz/news-and-reports/report-drug-use-in-aotearoa-202324>