

# Psychoactive Substances Policy



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## Local Approved Products Policy

This policy is made under the provisions of Section 66 of the Psychoactive Substances Act 2013. The purpose of this policy is to set a clear framework to be applied to all applications that the 'Psychoactive Substances Regulatory Authority' considers when granting licenses for premises that sell approved products in the Central Otago District.

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## 1. Introduction and Overview

- 1.1 This policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013.
- 1.2 A local approved products policy (LAPP) is a set of policy criteria and decisions made by a Council in consultation with its community that may restrict the location of premises selling psychoactive products in its geographical area.
- 1.3 This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013.
- 1.4 A LAPP provides the Psychoactive Substances Authority (the Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Psychoactive Substances Act 2013 (the Act) which states that:  
*“The purpose of this Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.”*

## 2. Objectives and Scope

- 2.1 The purpose of this policy is to set a clear framework to be applied to all applications that the Authority considers when granting licences for premises that sell approved products in Central Otago District.
- 2.2 The objectives of this policy are to:
  - (i) Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
  - (ii) Ensure that Council and the community have influence over the location of retail premises in the District.
- 2.3 The policy applies to:
  - (i) Any application for a licence to sell approved products from a retail premises from the date that this policy comes into force, and
  - (ii) Any application for renewal of existing licences at a retail premises.
- 2.4 This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.
- 2.5 The requirements of the Resource Management Act 1991 and the Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

### 3. Strategic Alignment

This LAPP assists in the delivery of one of the Central Otago District Council's core community outcomes of developing "a safe and healthy community". The community has also identified a low crime objective as one of their key priorities. This policy supports these strategies by regulating the availability of psychoactive substances within the district to protect the health of, and minimise harm to, communities and individuals who use psychoactive substances.

### 4. Definitions

When interpreting this policy use the definitions set out in section 4 unless the context requires otherwise. If you see a reference to a repealed Act, regulation, District Plan, bylaw or policy, read that as a reference to its replacement.

Approved location	Means an area where premises from which approved products may be sold are permitted to be located
Approved Product	Means a psychoactive product approved by the Authority under Section 37 of the Act.
Authority	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.
Business Resource Area	As identified in the Central Otago District Plan.
Licence	Means a licence, as defined by the Act.
Psychoactive Product or Product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substance.
Psychoactive Substance	Means a substance, mixture, preparation, article, device, or thing that is capable of inducing a psychoactive effect (by any means) in an individual who uses the psychoactive substance.
Regulations	Means regulations made under the Act.
Retail Premises	Means premises for which a licence to sell approved products by retail has been granted.
Retailer	Means a person engaged in any business that includes the sale of approved products by retails.
Sell	Includes sold and sale. Includes every method of disposition for valuable consideration, for example: <ul style="list-style-type: none"><li>a. offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale;</li><li>b. retailing;</li><li>c. wholesaling.</li></ul>

Sensitive Site	Includes: <ul style="list-style-type: none"> <li>a. any library, community centre or recreational facility;</li> <li>b. any school, kindergarten, childcare facilities, or other educational institution;</li> <li>c. any courthouse;</li> <li>d. any church or place of worship,</li> <li>e. any premises occupied by a social welfare agency such as Work and Income or similar agency;</li> <li>f. Council Playgrounds, Swimming Pools, Parks or sports ground, public toilets;</li> <li>g. Mental Health facilities</li> </ul>
Educational Institution	Means premises used to provide regular post- school education or vocational training. Includes public and private tertiary establishments.
School	Means premises used to provide regular instruction or training of children including primary, intermediate and secondary schools, and their ancillary administrative, cultural, recreational or communal facilities.
Mental Health Facility	Includes facilities catering for addiction services and associated accommodation premises
The Act	Means the Psychoactive Substances Act 2013.

## 5. Policy

This policy does not limit the number of retail premises or restrict the issue of licences, provided the policy criteria outlined below are met.

- 5.1. Location of retail premises from which approved products may be sold is restricted by this policy to the Business Resource Area of the Central Otago District.

*Section 68(a) of the Psychoactive Substances Act provides that the location of premises from which approved products may be sold may be indicated by reference to broad areas within a district.*

And

- 5.2. Location of retail premises in relation to premises or facilities of a particular kind or kinds:

- (i) All retail premises from which approved products may be sold are not permitted within 200 metres of a sensitive site existing at the time the licence application is made.
- (ii) For the purposes of clause 5.2(i) the separation distances are measured from the legal boundary of any retail premise and any sensitive site.

*Section 68(c) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities). This LAPP identifies sensitive sites as kindergartens, early childhood centres, schools, places of worship, or other community facilities.*

And

5.3. Location of retail premises in relation to other retail premises from which approved products are sold:

- (i) Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold.
- (ii) For the purposes of clause 5.3(i) the separation distances are measured from the legal boundary of any retail premise and any sensitive site.

*Section 68(b) of the Act provides that the location of premises from which approved products may be sold may be indicated by reference to proximity to other premises from which approved products are sold.*

And

5.4. Requirement to be stand-alone retail premises:

No premises for which a licence to sell approved Psychoactive Substances shall be within any other premises which sells any other goods or services to the public.

## **6. Review**

The Regulatory Services Manager will monitor the implementation of this policy. The policy will be reviewed every five years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to changed legislative and statutory requirements, or in response to any issues that may arise.

## Appendix 1

Maps of the following towns within the Central Otago District identifying the Business Resource Area:

- Alexandra
- Clyde
- Cromwell
- Naseby
- Omakau
- Ranfurly
- Roxburgh

**Note that:**

These maps are a correct indication of the Business Resource Areas at the time of adopting this Policy.

It is important that any person wishing to establish compliance with this policy, confirm the boundaries of the Business Resource Area with Council at the time of submitting an application