

# **PSYCHOACTIVE PRODUCTS RETAIL LOCATIONS POLICY** **(LOCAL APPROVED PRODUCT POLICY) 2014**

## **1. INTRODUCTION AND OVERVIEW**

The Psychoactive Substances Act 2013 (the Act) came into force on 18 July, 2013, and regulates the importation, manufacture, sale, supply and possession of psychoactive substances, which are the active ingredients in party pills, energy pills and herbal highs.

The purpose of the 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.

The Act provides for licences to be issued by the Psychoactive Substances Regulatory Authority (PSRA) for the right to retail psychoactive substances. The Act also allows territorial authorities to develop a policy for their area which outlines where retail outlets of approved psychoactive substances can be located. The Act refers to these policies as Local Approved Products Policies. Christchurch City Council further clarifies the purpose of the local policy with the title “Psychoactive Products Retail Locations Policy”.

The Act sets out that a Council policy can address the:

- Location of premises from which approved products may be sold by reference to broad areas within the district.
- Location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district.
- Location of premises from which approved products may be sold 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).

## **2. POLICY PURPOSE, OBJECTIVES AND SCOPE**

The purpose of this policy is to provide clear guidance to the PSRA to be applied to all licence applications the PSRA considers for retail premises within the Christchurch City Council area.

The objectives of this policy are to:

- Protect the health of, and minimise harm to, individuals who use psychoactive products.
- Minimise the exposure and potential for harm to vulnerable groups within the community.
- Ensure the Council and community have influence over the location of retailers of approved products in its region.

The policy comes into force on the 2 February 2015. From 2 February 2015 the policy applies to any application for a licence to sell approved products from a retail premise. This policy does not apply to internet sales, or to retail premises where internet sales only are made, or to premises where the sale of approved products is by wholesale only. The requirements of the Resource Management Act 1991 and the Hazardous Substances and New Organisms Act must also be met in respect of any premise holding a licence.

## **3. DEFINITIONS**

For the purposes of this policy, the following definitions apply:

Accredited	Means that the agency providing the service has achieved and holds current formal accreditation with their professional association and/or their primary funding agency (for example Ministry of Health, Ministry of Social Development).
Approved Product	Means a psychoactive product approved by the Authority under Section 37 of the Act.
Authority (or PSRA)	Means the Psychoactive Substances Regulatory Authority established by Section 10 of the Act.
Avon River Precinct	The area mapped as the Avon River Precinct in the Christchurch Central Recovery Plan.
Bus Interchange	The area mapped as the Bus Interchange in the Christchurch Central Recovery Plan.
Bus Super Stops	The Super Stops as mapped in the Accessible City Christchurch Central Recovery Plan.
Christchurch Central Recovery Plan	The Recovery Plan required by section 17 of the Canterbury Earthquake Recovery Act 2011 that outlines the future development of central Christchurch.
Externally Funded	Means the receipt of core funding from central government funding sources to provide the specific on-site service(s).
Health Precinct	The area mapped as the Health Precinct in the Christchurch Central Recovery Plan.
Justice and Emergency Services Precinct	The area mapped as the Justice and Emergency Services Precinct in the Christchurch Central Recovery Plan.
Licence	Means a licence, as defined by the Act.
Margaret Mahy Family Playground	The area mapped as the Margaret Mahy Family Playground in the Christchurch Central Recovery Plan.
Open Space 1 Zone	Means the Open Space 1 Zone as defined in the Christchurch City Plan. These zones primarily comprise small areas of public open space, which are of value to local neighbourhoods and communities
Open Space 2 Zone	Means the Open Space 2 Zone as defined in the Christchurch City Plan. These zones primarily comprise large areas of public open space for active recreation, which serve a suburban or district-wide function.
Permitted Location	Means the mapped area identified in the schedule to this policy where premises from which approved products may be sold are permitted to be located, provided they have taken into account 4.2 and 4.3 of the policy.
Premises or Facilities	Means the registered premise or facility from which specialist treatment or support services are provided on-site to clients with mental health, problem gambling, alcohol and/or drug issues.
Psychoactive Product	Means a finished product packaged and ready for retail sale that is a psychoactive substance or that contains one or more psychoactive substances.
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. This definition comes from s9(1) of the Act and must also be interpreted in light of s9(2) and s9(3) of the Act. Section 9(3) lists substances <b>NOT</b> included in the definition of a psychoactive substance, such as alcohol, tobacco, and drugs that come under the Misuse of Drugs Act.
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 products by retail.
Schools, kindergartens, early childhood centres, tertiary education institutions	Means “institutions” as defined by the Education Act 1989 and amendments.
“Sensitive Sites”	Means sites which are used by people who are, or may be, more vulnerable to the influence of the sale of psychoactive products, and the site is known to the Council as being used for that activity. Sensitive sites include: (a) The premises or facilities from which specialist treatment and support services are delivered (b) Schools, kindergartens, early childhood centres and tertiary education institutions (c ) Playgrounds, parks and reserves in Open Space 1 and 2 Zones as defined in the Christchurch City Plan; (d) The Bus Interchange, the Justice and Emergency Services Precinct, the Health Precinct, the Bus Super Stops at the Hospital and at Manchester Street, the Avon River Precinct, the Margaret Mahy Family Playground and the Washington Way Reserve; and (e) Any site where, at the time a licence application is being considered by the PSRA, the Council has been notified (whether through a resource consent, plan change, building consent or Christchurch Central Recovery Plan), that one of the activities listed in (a), (b), (c) or (d) is planned to be established at that site in the next 12 months.
Specialist Treatment and Support Services	Means externally funded mental health, problem gambling, alcohol and other drug specialist treatment and support services providing accredited on-site services to clients, delivered from their premises or facilities.
The Act	Means the Psychoactive Substances Act 2013
Washington Way Reserve	The Local Park located at Washington Way and Moorhouse Avenue.

#### 4. LOCATION OF RETAIL PREMISES

Retail premises may be located only in a place that complies with 4.1 to 4.3 below.

- 4.1 **Location of premises from which approved products may be sold by broad area**
- I. Retail premises from which approved products may be sold are permitted within the area shown in Schedule One to this Policy.
- 4.2 **Location of retail premises in relation to premises or facilities of a particular kind or kinds**
- I. Retail premises from which approved products may be sold are not permitted within 100 metres of a “sensitive site” existing at the time the licence application or the application for the renewal of a licence is made.
- II. For the purposes of clause 4.2 (I), the separation distances are to be measured from the closest point of the legal boundary of each sensitive site to the closest point on the legal boundary of the retail premises.
- 4.3 **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 50 metres of a retail premise from which approved products may be

sold.

- II. For the purposes of clause 4.3 (I), the separation distances are to be measured from the closest point on the legal boundary of each retail premise to the other retail premise in question.

This policy does not limit the number of retail premises or restrict the issue of licences.

## **5. REVIEW**

The policy will be reviewed two years after regulations made under s101 of the Act relating to retail licences come into force, or earlier at the request of Council, or in response to changed legislative requirements.

## **6. REFERENCES**

Psychoactive Substances Act 2013  
Christchurch City District Plan (referred to as the Christchurch City Plan)  
Christchurch Central Recovery Plan

# Schedule One: Permitted Area Map

