

Psychoactive Substances (Local Approved Products) Policy (#3123)

Adopted: 30 October 2014

Background

A Local Approved Products Policy (LAPP) is a set of policy criteria and decisions made by Council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013 (the 'Act').

A LAPP provides the Psychoactive Substances Regulatory Authority ('Authority') with a policy framework when making decisions on licence applications to sell psychoactive products in the Far North.

Legislative Context

The LAAP policy framework enables the Authority to better meet the purpose of 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".

Objectives

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 Far North District.

The objectives of this policy are to:

- Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
- Ensure that Council and the community have influence over the location of retail premises in the District.

The policy applies to any application for licence as defined in the Act to sell approved products from a retail premise from the date that this policy comes into force

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.

The requirements of the Resource Management Act 1991, Hazardous Substances and New Organisms Act must be met in respect of any premises holding a licence.

Policies

1. This policy does not limit the number of retail premises or restrict the issue of licences, provided the policy criteria outlined below are met:
 - a. The location of retail premises from which approved products may be sold is restricted by this policy to locations within a commercial zone as designated in the District Plan.

- b. All 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 is made (see Appendix 2); separation distances are measured from the legal boundary of each sensitive site.
 - c. Retail premises from which approved products may be sold are not permitted within 500 metres of other retail premises from which approved products may be sold; separation distances are measured from the legal boundary of the premise.
2. The General Manager Environmental Management 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 – Definition of Terms

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.

CENTRAL BUSINESS DISTRICT (CBD) means the area of any town designated as CBD in the Proposed The Far North District Plan (or the resulting Operative District Plan).

CHILDCARE FACILITIES means premises (public and private) where children are cared for or given basic tuition and includes a crèche, day or after-school care, pre-school, kindergarten, kohanga reo or play centre. This term excludes a school.

EDUCATIONAL INSTITUTION means premises used to provide regular post-school education or vocational training; includes private tertiary establishments.

LICENCE means a licence, as defined by the Act.

MEDICAL CENTRES means premises providing services for essential physical and mental health and welfare, performed by duly qualified practitioners or by persons in their employ, for example, primary health providers (general practitioners).

PSYCHOACTIVE 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 by retail has been granted.

RETAILER means a person engaged in any business that includes the sale of approved products by retails.

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.

SELL includes sold and sale. Includes every method of disposition for valuable consideration, for example:

- (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
- (b) retailing
- (c) wholesaling.

SENSITIVE SITE includes:

- (a) any library, museum, community hall or recreational facility
- (b) any place of worship, school, childcare facilities, or other educational institution
- (c) any premises occupied by a social welfare agency such as Work and Income or similar agency

- (d) pharmacies and medical centres
- (e) public parks, any District Court, Council owned public toilets and any bus stop where school children are picked up or dropped off
- (f) any property located in a residential zone as designated in the Far North District Plan
- (g) any marae.

THE ACT means the Psychoactive Substances Act 2013