

Local Products Policy for the sale of approved psychoactive substances 2015

1. INTRODUCTION

The Psychoactive Substances Act 2013 (the Act) makes provision for territorial authorities to develop a Local Products Policy for the sale of approved psychoactive substances. Under sections 66 to 69 of the Act the Council may determine:

- the areas within the Wellington City District where approved products may be sold (e.g. suburbs versus the central business district or residential versus industrial versus shopping areas)
- the minimum distance between shops selling the approved products
- the minimum distance between shops selling approved products and sensitive sites
- different conditions for retail premises to conditions for premises used for wholesale or for internet purchase.

2. OBJECTIVES OF THE LOCAL PRODUCTS POLICY FOR THE SALE OF APPROVED PSYCHOACTIVE SUBSTANCES

The Act was enacted to control the importation, manufacture and sale of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.

Licences must be obtained by people or businesses who wish to import, research, manufacture, wholesale and retail psychoactive substances and products. The Act also restricts the sale of these products (when approved) to persons aged 18 years and above. Before a product can be approved for use, the degree of harm must be assessed by the Authority on the advice of an expert advisory committee and evidence.

Wellington City Council's Local Products Policy for the sale of approved psychoactive substances objective is to allow Wellington's communities some control around where approved products can be sold. In addition the objectives of this Policy are to:

- be legally robust, to align with the purpose and intent of the new laws that “regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals that use psychoactive substances” in a way that still enables approved products to be sold in the Wellington District
- be based on robust evidence to withstand any legal challenge
- help to reduce wider community harms from approved products
- reflect community preferences as far as possible for where approved products can be sold (while aligning with the purpose and intent of the Act)
- provide a clear guide for the Psychoactive Substances Regulatory Authority for decisions on licence applications within the Wellington District.

3. PROVISIONS OF THE PSYCHOACTIVE SUBSTANCE

Retail premises licensed to sell approved products (including premises for internet sales) are only permitted:

- within the southern area of Wellington’s central business district (CBD) as show within the solid red boundary of the attached map; and
- at least 150 metres from all other retail or internet sales premises that are licensed to sell approved products; and
- at least 150 metres away from all of the following sensitive sites in Wellington: high schools/colleges and Wellington’s YMCA; and
- at least 50 metres away from all of the following sensitive sites in Wellington: primary schools, pre-schools or kindergartens; and
- at least 100 metres away from the Cuba Street play area.

Definition of separation distances

For the purposes of this policy the separation of distances are to be measured from the external legal boundary of each premise. Minimum separation distances would be based on premises that exist when a licence is applied for.

New Development

If a new premises that is a designated sensitive site opens within the minimum distance of an already licensed retail premises, the Council would work with that licensed premises to find an alternative location. For as long as a alternative location is not available, the current location would be deemed to comply with the Local Approved Products Policy.

Map

The map below provides a visual guide to the areas where licensed retail premises are permitted.

