



UPDATE ON PSYCHOACTIVE SUBSTANCES ACT AMENDMENTS

1. Purpose

This report provides information on the recent amendments to the Psychoactive Substances Act 2013. This report also outlines work underway to develop advice on a local area policy for Councillors consideration.

2. Recommendations

Officers recommend that the Community, Sport and Recreation Committee:

1. **Receive the information.**

3. Discussion

3.1 *The Psychoactive Substances Amendment Act 2014*

When the Psychoactive Substances Act 2013 (the Act)¹ was passed, some psychoactive substance sales were permitted under interim licences allowing them to be sold legally on the market.

On 6 May 2014, the Psychoactive Substances Amendment Act (the Amendment Act) was passed under urgency by New Zealand Parliament. The Amendment Act revokes all interim licences that allowed these products to be sold. From Thursday 8 May 2014, it will become illegal to supply, sell or possess psychoactive products until new licences are issued by Psychoactive Substances Regulatory Authority and regulations are in place.

The Amendment Act also adds a principle, that animals must not be used in trials for the purposes of assessing whether a psychoactive product should be approved. This means that a trial involving animals cannot be used to support an application for approval of a psychoactive product.

¹ Appendix 1 provides a brief summary of the key provisions in this Act.

No changes have been made to the other provisions of the Psychoactive Substances Act 2013 and these provisions remain in force. In particular the:

- intent of the legislation, to allow the legal sale of low risk products on the market, is unchanged. Substances are likely to be available in the future when regulations have been made
- Psychoactive Substances Authority's has powers to issue licences to sell products when it is satisfied that a product poses no more than a low risk of harm to individual who use it.
- powers to make regulations and likely timeframes for the regulations to be made have not changed. However, regulations will need to be in place before new licenses can be approved, as the regulations provide the framework to operate the psychoactive substances regime. For example, regulations will define what substances will be regarded as psychoactive, provide further rules around sales and define licensing application processes. They will also impose record-keeping requirements and infringements.

It is anticipated that regulations will be in effect in early to mid-2015.

- powers and provisions of territorial authorities are unchanged. This means authorities may still adopt a local policy relating to where products may be sold in its district.

Powers provided to Territorial Authorities

The Act provides powers for Territorial Authorities to establish local policies restricting the location of where psychoactive substances can be sold.

Specifically:

- the areas within the Wellington City District (WCD) where products may be sold (e.g. suburbs vs Central business district)
- the distance between shops selling these products within the WCD
- the distance between shops selling these products and sensitive sites within the WCD (e.g. a sensitive site kindergartens, early childhood centres, schools, places of worship, or other community facilities).

A total or effective ban on the sale of these substances is beyond the powers of Territorial Authorities and contrary to the purpose of the Act.

4. Conclusion

In March 2014, Councillors agreed that officers should commence work to consider the development of a local area policy on psychoactive substances for Wellington city. It is anticipated that some psychoactive substances will return to the market shortly after regulations are made in early-mid 2015, therefore officers are continuing to work towards developing advice on a policy as planned.

To ensure that any policy is in place by early-mid 2015, a paper will be presented to Council for approval by 30 November 2014.

To guide the development of this policy, a project plan and engagement plan are being developed. Work to gather information and evidence to support a potential policy position has also begun. We are also preparing a survey that will seek the communities views on where people feel psychoactive substances should and should not be sold. The survey will be conducted via the Council's Research Panel which represents a cross section of our community. It is anticipated the survey will be issued in July 2014.

A briefing providing an update on progress to develop policy advice and on the findings of the survey will be presented to this Committee in August 2014.

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Appendix 1: Summary of Key Provisions in the Psychoactive Substances Act 2013

The Psychoactive Substances Act 2013 seeks to help protect the health and minimise harm to individuals taking psychoactive substances. Psychoactive substances are the active ingredients in party pills, energy pills and herbal highs. The Act regulates the importation, manufacture and supply of psychoactive substances. In particular:

- A licence is required to import, manufacture, research or sell psychoactive substances. The sale of unapproved psychoactive products is illegal.
- Product sold must be of a low risk of harm to the user.
- Sales to people under 18 years of age are prohibited.
- No person under 18 years of age is permitted to purchase or possess psychoactive products.
- Advertising of approved products is strictly controlled and only permitted at the point of sale.
- Advertising must not appeal to minors.
- All approved products must be labelled with health warnings, a list of the active ingredients, contact details for the manufacturer or distributor, and the telephone number of the National Poisons Centre.
- No psychoactive products may be sold from dairies, convenience and grocery stores, supermarkets, service stations and liquor outlets.