

## POLICY:

# Availability, Sale and Supply of Psychoactive Products

Adopted: 12 May 2014

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## Purpose

This Policy aims to restrict the availability, sale and supply of psychoactive products within the Grey District. Council does so based on its view that such product actively detracts from the social fabric of its community and, in fact, poses a risk to users. This assumption is borne out by the fact that:

- The Psychoactive Substances Act 2013 (the Act) recognised the risk to health involved and purports to allow only products posing no more than low risk.
- The Psychoactive Substances Regulatory Authority, from time to time, has to withdraw products approved as having only low risk to users from sale on the basis that such products, in fact, pose a more significant level of risk to users than initially expected. An example of this relates to February 2014 when an approved product was found to cause hallucinations with users and had to be withdrawn.

## Background

Grey District Council is strongly of the opinion that the availability of psychoactive products represents yet another source of risk to the health and wellbeing of its residents, notably young people, and that it should be banned. The Act is based on the realisation that it will be near impossible to ban such material given the fact that it is synthetic in nature and, as such, can be continually altered.

Council, whilst acknowledging these challenges, maintains its stance that it should be banned and that any illegal sale and supply should be dealt with as a criminal act on the same basis as other drugs and drug paraphernalia. Notwithstanding, with the Act making it impossible for local authorities to ban such material, Council herewith proposes this Policy as a means of restricting the risk to especially young people as far as possible.

## Policy

The Grey District Council hereby determines that psychoactive products cannot be made available, either by means of sale or otherwise, in the following areas:

- No area of the Grey District where the predominant land use is residential.
- Not within a distance of 180m from an existing educational facility (including schools and early childhood centres), library, community centre, reserve, playground or place of worship.
- A distance of 250m from any existing approved outlet for such products.

For the avoidance of doubt, such outlet/outlets can only be established in the Greymouth CBD, being the area bordered by Mawhera Quay, High Street/Smith Street, Guinness Street and Boundary Street.

For purposes hereof, "psychoactive product" has the meaning afforded to it by S. 8 of the Psychoactive Substances Act 2013. This policy does not focus on psychoactive substances as identified in S. 9 of the Act given that the Act prevents the sale of such substances other in final approved product form.

## Reason for the Policy

The Act provides for local authorities to restrict sale and supply of such material in their areas of jurisdiction subject thereto that it is not totally banned. For Council the health and wellbeing of children and young people is paramount and that they should not be exposed to it being available. On that basis, no such outlets should be located in predominantly residential areas given this high presence of children. This restriction in effect means that ONLY the Greymouth CBD is available for the establishment of such outlets, subject to it being far enough away from such educational facilities/establishments.

The choice of a distance of 250m between outlets selling or providing such products is based on practicality considerations only.

## Benefits and negatives

<b>Benefits (now and into the future)</b>	<b>Negatives (now and into the future)</b>
The Act provides Councils with the ability to develop Policies to provide for local circumstances subject thereto that the impact of the Policies does not represent a total ban on the supply and sale of the items.	The Policy, whilst necessary, cannot ban the products. On that basis, it cannot cater for Council's strong opposition to such products being legalised.
Council will be seen to purposefully manage the availability of the items.	

## Application of the policy

This Policy will become effective on the day following it being finally approved by Council.

This policy was approved by Council on 12 May 2014 therefore it comes into effect from 13 May 2014.