



# **DRAFT Legal Highs Policy (Local Approved Products Policy) 2024**

Statement of Proposal

**FOR CONSULTATION**



## Introduction

This is a proposal to review Council's Legal Highs Policy (Local Approved Products Policy). We are asking the community for submissions to assess support/objections so that feedback can be considered and if necessary, amendments made, before the Policy is adopted.

Council is consulting on this Policy using the special consultative procedure of the Local Government Act 2002 (LGA). This section of the LGA sets out the principles for consultation that we must follow.

## Background

Council's Legal Highs Policy (Policy) 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). The Act commenced on 18 July 2013 and regulates the importation, manufacture and supply of psychoactive substances, which are the active ingredients in 'legal highs' - party pills, energy pills and herbal highs.

Council's Policy provides the Psychoactive Substances Regulatory Authority (Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Psychoactive Substances Act 2013 (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."

Council does not grant licences to retail legal highs or enforce licence conditions; this is the role of the Authority. **Note that there are currently no "legal highs" that are legally available for sale in New Zealand.**

This Policy is not required by legislation, however its one that Council has chosen to have in place to allow for local preferences to be made in the event that an application is approved

for psychoactive substances or “Legal Highs” to be sold in the district. We are required to review this Policy every five years.

### **What is included in the Policy?**

The location of retail premises from which approved products may be sold is restricted by the Policy to an approved location as identified in Schedule 1 (please see the draft Policy for the maps).

Additionally, the Policy includes a **300 metre** restriction between retail premises selling legal highs and a **25 metre** distance restriction from sensitive sites including churches, preschools, schools and community facilities.

These measures are included in the Policy to help minimise the exposure and potential for harm from psychoactive substances to vulnerable groups within the community in the event that the Authority approves a product for sale, and a retail premise proposes to sell a product/s in our district.

### **Statutory requirements**

The Psychoactive Substances Act 2013 commenced 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 such substances.

The Act prohibits the sale of approved psychoactive substances from certain types of premises such as dairies, convenience stores, grocery stores, supermarkets, service stations, premises where alcohol is sold or supplied, temporary structures such as tents and marquees, and vehicles or conveyances.

The Act creates a licensing process for psychoactive substances. The right to manufacture, import, research or sell such substances requires a licence issued from the Authority and

sales are restricted to speciality stores. Council does not grant licences or enforce licence conditions.

Under the Act, Council can create a policy to control the location of premises selling psychoactive substances in the district, and their proximity to sensitive community facilities. The Act does not allow councils to place a ban, cap or sinking lid on retailers of approved products.

Council is proposing to continue with its Policy to proactively regulate the sale of approved products (psychoactive substances) within the district. Section 66 to 69 of the Act sets out the matters that may be contained in the Policy:

- The location of premises from which approved products may be sold by reference to broad areas within the district.
- The location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district.
- The 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 centre, schools, places of worship, or other community facilities).

### **Are we proposing any changes to the Policy?**

We are proposing to mainly leave the current Policy as is (status quo), apart from some minor housekeeping changes. This is indicated in the draft Policy in red text with proposed deletions struck through.

We are not making any changes to the areas where licensed premises can be permitted, nor the areas detailing sensitive sites. No changes are proposed to the buffer zone distances.

We want to know from you if you think any changes are required to meet the needs of the community.

## Analysis of reasonably practicable options

In reviewing the Policy, we have considered several options. None of the options identified are likely to impact on our capacity to meet present and future needs in relation our statutory responsibilities under the Acts or any other legislation.

The following Community Outcome would likely be promoted by a reduction in harm “A place with people at its heart – support the wellbeing of our community”, however legal highs is not seen to be a significant problem in our district. This is mainly because there are no approved legal high products or any retail stores in Matamata-Piako (or anywhere else in New Zealand).

Council has considered the following options and would like to hear your thoughts on which option you prefer:

### Option one: Revoke Policy

This option is for Council to revoke the current Policy, meaning there will be no policy in place to regulate the location of retail stores permitted to sell approved legal high products.

Advantages	Disadvantages
Council would not be required to review the Policy every five years.	In the event that retail store selling an approved legal high product was approved in our district, Council may need to draft a new policy, however would miss the opportunity to influence the location of a proposed retail premise and would rely on the provisions contained in the District Plan.
	There will be little local control over the location of retail outlets permitted to sell approved legal high products.
	Retailers of approved legal high products could be located nearby sensitive sites, e.g. schools/churches or near residential areas.
	Council would be out of step with other councils around New Zealand, as the majority of council's have a Local Approved Products Policy in place.
	Does not promote and support a healthy community.
	May lower the amenity of town centres if there is no policy in place to regulate the location of retail shops permitted to sell approved legal high products.

Option 2 – Adopt the Legal Highs Policy (Local Approved Products Policy)  
**This is Council’s preferred option.**

This option is for Council to adopt the draft Policy containing minor amendments to assist in clarity.

Advantages	Disadvantages
A policy would remain in place to regulate the location of retail outlets permitted to sell approved legal high products.	The draft LAPP may not be supported by some people in our community who may consider the Policy to be unnecessary.
Retailers of approved legal high products would not be able to be located nearby sensitive sites, e.g. schools/churches or near residential areas.	
Retaining the Policy supports Council’s efforts in improving public health.	

## Have your say

Whether you agree, oppose or you have suggestions on things we could change for this proposal or any other proposal, we want to hear from you.


**You can make a submission between 21 March and 21 April 2024.**

For more information about this proposal, and to see what else we are consulting on, go to [mpdc.govt.nz/ltp](https://mpdc.govt.nz/ltp)

## Making a submission

 Go to [mpdc.govt.nz/ltp](https://mpdc.govt.nz/ltp) to fill out the online form

 Drop off form: Any Council office

 Mail to: PO Box 266, Te Aroha 3342

 Email: [info@mpdc.govt.nz](mailto:info@mpdc.govt.nz)

Head to [mpdc.govt.nz/ltp](https://mpdc.govt.nz/ltp) to make a submission and have your say by 21 April 2024

*Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.*

## Key Dates

Council adopt proposal for community consultation	13 March 2024
Submission period	21 March – 21 April 2024
Community present submissions to Council	8 May (9 May if needed) 2024
Proposal is adopted	26 June 2024
New Legal Highs Policy (Local Approved Products Policy) applies	1 July 2024

