

Time	Topic and Purpose	Presenter(s)	Format	Time allocated
10.00am	Psychoactive Substances Policy The purpose of this briefing would be to seek advice from Members concerning the Psychoactive Substances Policy and its retention prior to coming to the April Community and Natural Environment Committee meeting. Staff suspect there could be some political interest in the topic and want to discuss the topic to ensure all information required by Elected Members is covered in the report.	Carmen Fookes Greg Morton	Open Briefing	30 minutes
SESSION ENDS				

DISCUSSION TOPIC SUMMARY

Topic: Psychoactive Substances Policy

Related Committee: Community and Natural Environment

Business Unit/Group: Business Services

Key Staff Contact/s: Carmen Fookes, Greg Morton, Michelle Hawthorne

Direction Discussion Status: Open

PURPOSE OF TOPIC/INFORMATION

The purpose of this briefing is to provide Members with background and information before the topic goes to a Community and Natural Environment Committee Meeting for approval of the Statement of Proposal.

WHAT KEY THINGS SHOULD MEMBERS THINK ABOUT/ CONSIDER IN UNDERSTANDING THIS INFORMATION?

There is a requirement to carry out a Special Consultative Procedure under the Psychoactive Substances Act 2013. This includes a minimum one-month public consultation period and the provision of an opportunity for submitters to be heard (e.g., a hearing).

There is no requirement for Council's to have a Psychoactive Substances Policy (sometimes referred to as a Local Approved Products Policy). Out of the 10 City Councils in Aotearoa New Zealand, 7 have operative Psychoactive Substances or Locally Approved Products Policies. Many of these policies have been in their operative form since the date the policies were first adopted. Staff have consulted Councils with operative policies and have confirmed that many of the policies are operative as a risk mitigation should any products become approved and are legacy policies from when products had been previously approved.

Staff have assessed that there are two reasonable and viable options for the Psychoactive Substances Policy to consider for consultation. The assessment reflects the level of significance. The options are set out in the table below:

Option:	Considerations:	Risks:
Option 1: Retain the Psychoactive Substances Policy with No Amendments	<ul style="list-style-type: none"> Although currently there are no substances available for purchase, this does not mean there will never be legal substances for purchase. Retention of the Policy means that we will not be without a policy if a product were to be approved. The minor amendments to the Policy can assist in public understanding should a psychoactive substance become available. 	<ul style="list-style-type: none"> Can be seen as not required and may be confusing for members of the public.
Option 2: Revoke the Psychoactive Substances Policy	<ul style="list-style-type: none"> There are no mechanisms currently for psychoactive substances to be approved due to the inability to gain approval through animal testing. Would reduce the number of policies and may create less confusion for 	<ul style="list-style-type: none"> If a psychoactive substance is approved in the future, we will have no policy in place to control the locations of sale. Council would need to be clear with the public messaging around possible

	members of the public.	<p>revocation. Revocation would not mean that products can be sold in the city. With no current or planned approved substances, there is a low risk of a substance being approved for sale.</p> <ul style="list-style-type: none"> Although the risks of either option stated above are minimal, there is likely to be some public concern due to the history of the Psychoactive Substances Act 2013 and the previous community experience with the sale of psychoactive substances.
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KEY SUMMARY POINTS

A special consultative procedure is required to review or revoke this policy, including a minimum of a one month consultation period and opportunity to be heard.

Currently, there are no psychoactive substances legal for purchase in New Zealand, and no current applications for a product received as per the Register of Product Approvals. According to the Psychoactive Substances Act 2013, any psychoactive substance must:

- i) Pose no more than a low risk of harm to individuals who use the product;
- ii) Be prohibited if it poses more than a low risk of harm to individuals;
- iii) Not be approved based on data derived from the use of the product on animals in testing.

The restriction on not being able to be complete the application based on data derived from the use of the product on animals in testing means that approval is very difficult to achieve.

Current Policy Provisions

- The current Policy provisions are mainly concerned with the locations where psychoactive substances may be sold (should they be approved).
- It does not however limit the number of retail premises or restrict the issue of licenses, provided the Policy criteria is met.
- These provisions include:
 - o Restriction of sale locations to the Central City Area
 - o Restricting sales to outside of 100 meters of an existing sensitive site boundary
 - o Restricting sales to outside of 500 meters from another sale location's boundary.

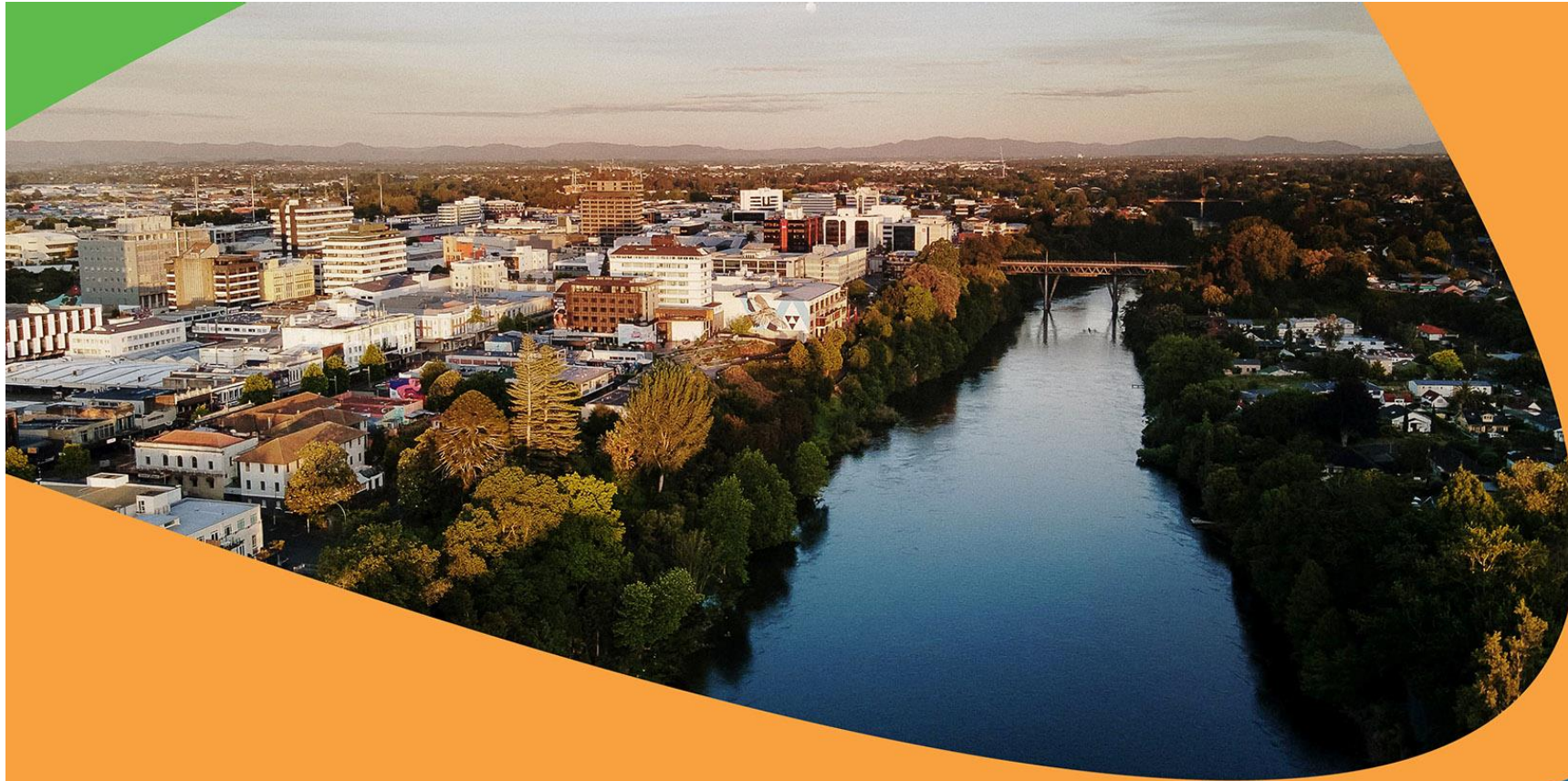
WHERE CAN MEMBERS FIND MORE INFORMATION?

The last report for Psychoactive Substances Policy from 2018 can be found [on our website](#).

Information on the regulation of psychoactive substances can be found on the Ministry of Health [website](#).

The Psychoactive Substances Act 2013 can be found [here](#).

A review of the Act by the Ministry of Health can be found [here](#). The review contains a useful history of the legislation for those who are not familiar with this topic. Noting that this review was completed in 2018/19 – so some findings in the report may be out of date.



Psychoactive Substances Policy

2024 Review

Purpose

Staff are seeking Elected Member feedback prior to the Statement of Proposal and draft Policy going to the Community and Natural Environment Committee (currently planned for 9 April 2024).

Background

- The Psychoactive Substances Policy lays out where within the city boundary shops may sell approved products.
- It is not a legislatively required Policy and not all Councils have one.
- Some Councils use the term “Locally Approved Products Policy”
- Of the 10 City Councils in Aotearoa New Zealand, 7 have Local Approved Products or Psychoactive Substances Policies, all of which have been operative, but largely unchanged since 2013/2014.

Background

- Introduced in response to the Psychoactive Substances Act 2013, the policy lays out where within the city boundary shops may sell approved products.
- Currently there are no approved products available for retail sale, and no current applications with the DIA. No applications have ever been received for product approval.
- There are restrictions on approving products which have used data derived from animal testing, meaning approval is difficult to receive for products, but not technically impossible.

Options

Option 1: Retain the Psychoactive Substances Policy with Minor Amendments:

Considerations

- Although currently there are no substances available for purchase, this does not mean there will never be legal substances for purchase. Retention of the Policy means that we will not be without a policy if a product were to become approved.
- The minor amendments to the Policy can assist in public understanding should a psychoactive substance become available.

Risks

- Can be seen as not required and may be confusing for members of the public.

Options

Option 2: Revoke the Psychoactive Substances Policy

Considerations

- Can reduce the number of policies and create less confusion for members of the public.
- There are no mechanisms currently for psychoactive substances to be approved due to the inability to gain approval through animal testing.

Risks

- If a psychoactive substance is approved in the future, we will have no policy in place to controls the locations of sale.
- There is a need to be clear with the public messaging around possible revocation. Revocation will not mean that products can be used in the city. With no current or planned approved substances, this is a reduced (but not 'no') risk.

Environmental Check

What are other Councils doing?

Number of Councils with operative policies

- Of the 10 City Councils, only 7 have operative policies.
- A number of Councils have recently, or are in the process of revoking their Psychoactive Substances/ Locally Approved Products Policies.
- Those who have retained their policies have done so in order to have an operative policy in place in case a product will be approved.

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