

LEGAL HIGH RETAIL LOCATION POLICY



Approved by:	Council		
Sponsor:	General Manager Community Services		
Department responsible:	Customer and Regulatory Services		
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Next review date:	By April 2026	DOC ID:	

INTRODUCTION

This is a Local Approved Products Policy adopted by the Dunedin City Council under sections 66 - 69 of the Psychoactive Substances Act 2013.

The Psychoactive Substances Act 2013 (the Act) was introduced to regulate the availability of psychoactive substances (commonly known as legal highs, party pills or synthetic cannabis) in New Zealand to protect the health of, and minimise harm to, individuals who use the substances.

The Ministry of Health acknowledges the substances are harmful but that this harm is to be controlled by regulating and licensing psychoactive substances that *“should pose no more than a low risk of harm to individuals who use it”*.

The Act requires premises selling approved products to be licensed and any person wishing to sell a new psychoactive substance must apply to the Psychoactive Substances Regulatory Authority to have the substance approved.

SCOPE

Councils have a very limited role in the regulation of psychoactive substances. The only legal power the Dunedin City Council has is to regulate where legal highs can be sold within its district by the development of this policy. The Council does not have the power to prohibit the sale of approved products or to have a policy that is so restrictive as to be a prohibition in everything but name.

This Legal High Retail Location Policy sets out where the sale of legal highs (psychoactive substances approved by the Authority) may take place in the district.

The Act **only** allows a policy to contain information regarding:

- The location of premises from which the approved products may be sold by reference to broad areas within the district;
- The location from which approved products may be sold with 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 within the district (e.g. kindergartens, early childhood centres, schools, places of worship, or other community facilities).

Section 52 of the Act prohibits the sale of approved products from dairies, convenience stores, grocery stores and supermarkets, any premises selling automotive fuels or that carries out servicing of vehicles and premises licensed to sell alcohol. Approved products must be sold from a permanent structure so tents, vehicles, mobile stores, etc., cannot be used as a place of sale.

DEFINITIONS

For the purpose of this Legal High Retail Location Policy, the terms used in this policy have the same meaning as set out in the Psychoactive Substances Act 2013, unless otherwise defined below:

Approved Location – means the area described in Schedule 1 and which is marked ‘approved location’.

Approved Product (or Legal High) – means a psychoactive substance approved by the Authority pursuant to section 37 of the Psychoactive Substances Act 2013.

Authority – means the Psychoactive Substances Regulatory Authority administered by the Ministry of Health.

Psychoactive substance – has the same meaning as set out in section 9 of the Psychoactive Substances Act 2013.

Retailer – means a person engaged in any business that includes the sale of ‘approved products’.

Retail premises – means a premises licensed by the Authority to sell ‘approved products’.

Sensitive Site – is defined as:

- i) Any kindergarten, early childhood centre or school
- ii) Any place of worship
- iii) A library
- iv) Any playground or skate park
- v) Any hospital including mental health facility
- vi) Any premises occupied by the Ministry of Justice or Ministry of Social Development
- vii) Any area within 50m of the intersection of View Street and Moray Place

PURPOSE

1. The purpose of the Legal High Retail Location Policy is:

- 1.1. To minimise the harm caused to the community resulting from the use of psychoactive substances by limiting the locations from which the ‘legal high’ may be sold.
- 1.2. To minimise the exposure and potential harm of legal highs to vulnerable members of the community
- 1.3. To ensure the community has influence over the location of the premises licensed to sell the products, in so far as legally possible.

POLICY

2. Policy guidelines

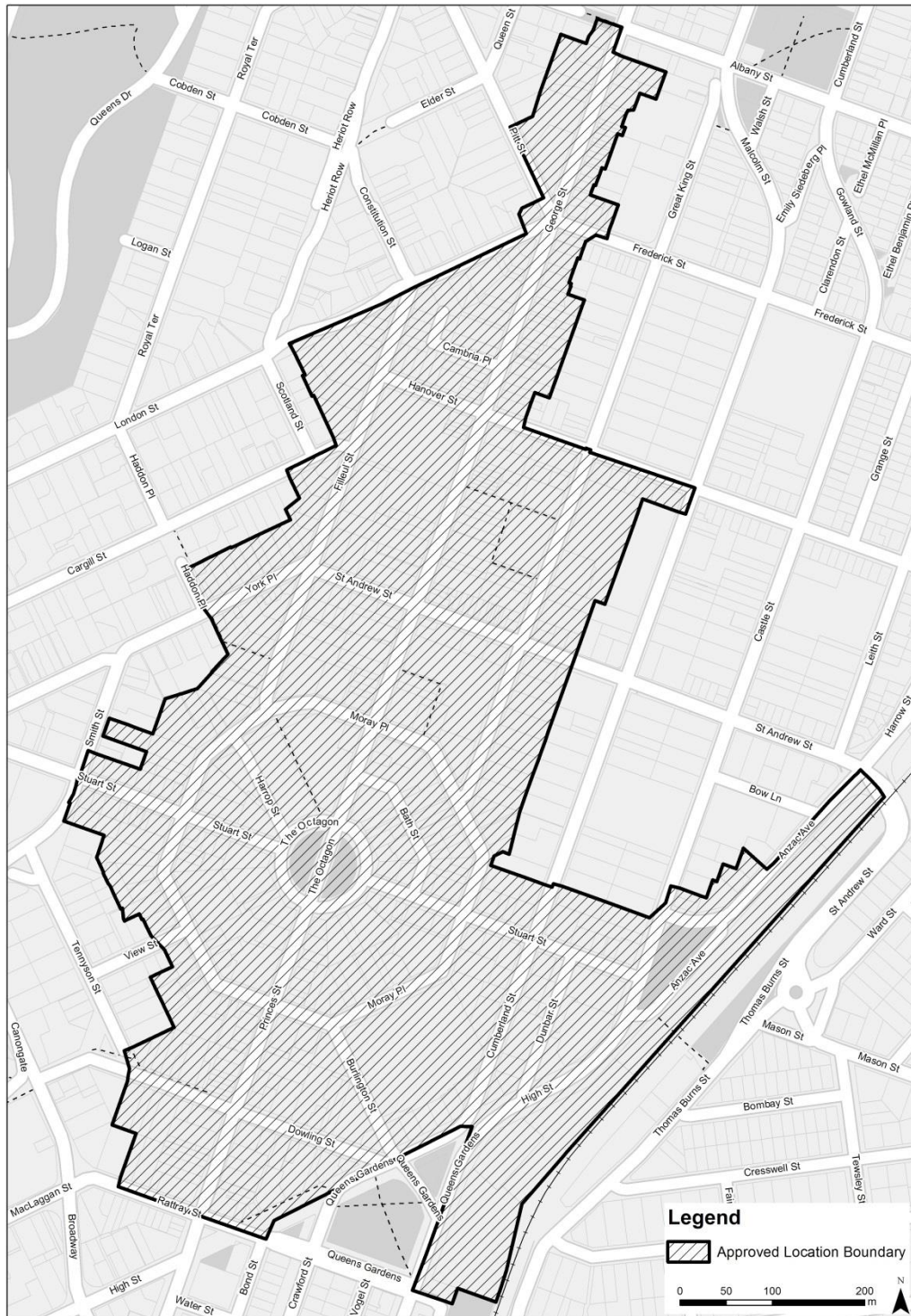
- 2.1. The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.
- 2.2. The Legal High Retail Location Policy does not limit the number of retail premises provided the following criteria are met:
 - (a) retail premises are not located within 100 m of the nearest legal boundary of any 'sensitive site'; and
 - (b) retail premises are not located within 100 m of the legal boundary of any other retail premises; and
 - (c) retail premises are not located on the part of Great King Street between Moray Place and St Andrews Street

3. Policy review

- 3.1. This policy will be reviewed within three years of adoption and every five years thereafter.
- 3.2. The Legal High Retail Location Policy does not cease to have effect when it is undergoing the review process.

Relevant Legislation:	Psychoactive Substances Act 2013
Associated Documents:	

SCHEDULE 1 – APPROVED LOCATION BOUNDARY



SENSITIVE SITE BUFFER ZONES – AS AT MAY 2021

