Making a submission

Submissions close on Friday 21 March 2014 at 5 pm.

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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?

   Consideration should be given to asking if the applicant owns any other business locally. The reason I say this is that we know that a lot of applicants are also Dairy/Convenience store owners who previously sold "Legals".
   It is obviously appropriate that the exclusions under 3-52 (1) apply but it could be argued that the owners of a Dairy, holding the place that they do in the community, should not also hold licences for products which damage the very same community they serve.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?

   Absolutely. It would be wholly appropriate that the information requirements, as above, should include the assent of the Local Council under LAPP as being an essential component of the application. Failure to obtain such a consent would preclude the application proceeding.

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?

   Yes. See above. It would also be appropriate that all Councils should be obliged by law to have a LAPP. We have a situation in Tauranga where the last council turned a blind eye to the possibility (they have thankfully been consigned to the dustbin of history) but it has left Tauranga in a difficult situation with unsuitable applications being approved for lack of any mechanism to delay or stop them.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in subsection (2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

That the business applying is not unsuitable for the purpose. Of the 8 licences in Tauranga, 4 are from sex shops. The sale of psychoactives in these shops is encouraging people who would not otherwise go into them to enter.

We note that a considerable number of licences granted nationally are for Sex Shops. Any indication of increased anti-social or criminal incidents noticed nationally in the vicinity of these premises?

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes. Also Pokie/gaming licences.

6 What records should the regulations require licence holders to keep?

7 How long should licence holders be required to keep records for?
8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

- Number of licences locally. Perhaps a population density ceiling? X licences per x of population as a maximum.
- Demographics of the area proposed for licence, ethnic mix, crime levels, level of deprivation.

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Of course. It would be perverse not to!

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

As much empirical evidence as possible should be demanded. Applicants should also be made to provide information as to any adverse effects/outcomes of which they are aware during their own testing or from any other source.

I suspect the Ministry would also be doing their own searches for information. Should the applicants information prove to be inadequate or at variance with the Ministry findings then they should be asked to explain why and resubmit.

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

Why not insist that all packaging be of the same nature as that proposed for tobacco products?
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

Have website details of reputable information of dangers of synthetics on the packaging.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

Yes. Limits likelihood of sharing.
Limits likelihood of overuse by the inexperienced.
Increases cost of packaging! More inconvenient to buy in bulk.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

Obviously not desirable that products are injectable or capable of being converted to injectable. I suspect that if all products were forced to be tongue soluble that the attraction may decrease. The associated issues of use with tobacco adds harm.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

All products should be in a locked safe (expensive and of models approved by the local council (out of shop hours) and in cigarette type cabinets in shop hours. The initial application could not proceed without council confirmation that the requirement is met. See Q1.

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

See above

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

As with cigarettes. No public display and in locked cabinets

Psychoactive Substances Regulations: Submission form
23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

What are local regulations for businesses on disposal of toxic products? Should apply to psychoactive substances.

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

No signage at all.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

Any place that children could access. It would therefore exclude 'ethnic' shops, gift shops etc.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Old fashioned advertising, i.e: newspapers, posters and hoardings are not an issue but product placement on social media should be banned. The same principles apply. It would be good if there was no advertising of any product and that word of mouth became the only avenue of information.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Old fashioned advertising, i.e.: newspapers, posters and hoardings are not an issue but product placement on social media should be banned. The same principles apply. It would be good if there was no advertising of any product and that word of mouth became the only avenue of information.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

Goes back to the plain packaging proposal I made above. If we are going to enact legislation on tobacco then it would seem an obvious and appropriate step to take for these products. It would be illogical not to.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

The fees, at $500 are very low. Raising the level for an application to retail to $5000 and much higher for import etc. would be a good step. The big players would pay any price as they are the ones who are going to get rich. I suspect an increase to $5000 for retailing would deter the smaller enterprises and the fee for the licence should be annual.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) David Gilmour
Address: (street/box number) _____________________________ (town/city) _____________________________
Email: David.gilmour@bopdhb.govt.nz
Organisation (if applicable): SORTED Youth Alcohol and Other Drugs Service, Tauranga
Position (if applicable): _____________________________
Are you submitting this:
(Tick one box only in this section)

☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☐ other (please specify): See above. We are part of Bay of Plenty DHB CAMHS.............

Do you wish to receive updates about the development of the psychoactive substances regulations?

☐ Yes
(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than 5 pm on Friday 21 March to:
   The Manager
   Psychoactive Substances Regulatory Authority
   Ministry of Health
   PO Box 5013
   WELLINGTON
   Email: psychoactives@moh.govt.nz

Alternatively, electronically complete the submission form available at the back of this document, add your comments and email to:
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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   
   If not, what else should be required, and why?
   
   Yes -

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?
   
   Yes -

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?
   
   No - each town/city has different criteria - and different geography, it would be too difficult to make a generic policy fit everyone.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

YES.

6 What records should the regulations require licence holders to keep?

N/A - SHOULD NOT APPLY TO RETAIL.

7 How long should licence holders be required to keep records for?
8. Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

For opening hours 7am - 10pm would work - it would keep shops clear of "crowds" gathering to wait for opening. The rest of the conditions are in force with our interim licence.

9. Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

Refer to Question 4

10. Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

N/A

11. Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

N/A

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

N/A

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

N/A
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

N/A

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

SEE ATTACHMENT

C

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

SEE ATTACHMENT

C

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

SEE ATTACHMENT.
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn't be allowed?

NO

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

NOT IN RETAIL —

STORAGE IN APPROVED SAFE AT NIGHT —

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

SEE ABOVE

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

AS PER INTERIM LICENSE
23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

There should be rules around the disposal of any toxic substance. We have sharps containers and dispose of the container at the local hospital — look at environment consent.

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

See 25.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

No — they are well covered in the interim license.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

As above.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

REFER TO ATTACHMENT

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

C

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

YES

C

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?

F.ixed Fee
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

**YES** - Duty Manager for non-owner operators

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name)__________________________

Address: (street/box number)__________________________

(town/city)________________________________________

Email: ____________________________

Organisation (if applicable): ____________________________

Position (if applicable): ____________________________

Psychoactive Substances Regulations: Submission form
Are you submitting this:
(Tick one box only in this section)

☑ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☐ other (please specify): ........................................................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?
☑ Yes ☐ No

(If yes, please make sure you provide an email address.)

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Submission for PSA

Consultation Question 4.

I believe that it would be unfair to License each individual and then only license the shops of a Company.

It would be more appropriate to make the Manager of each Company Store have a Police check done.

This may avoid the problem that happened in ? where the manager was stealing from the store and selling illegal drugs from there also.

Consultation Questions 16,17 & 18

For pills I think it is a good idea to restrict the packet to one dose, and break that dose down to four pills.

For smoking mixes I think it would be more difficult, as smoking is very social.

I think it might be better to restrict the size of the smoking packets to 2.5 grams maximum, and cap the minimum retail price to avoid price cutting and to keep it from appealing to minors, without pricing it off the market and pushing people back to the illegal drugs.

Consultation Question 27

I do not think there should be internet sales.

There is no real way to determine age of purchaser.

It is not hard for someone to "borrow" an older person's license and visa card and then assume the identity of that person.

Unless you are face to face with the person presenting the photo ID and are able to compare the photo with the actual person then it is just not possible to say definitively that the person is of age.
Other points to consider

Smokefree NZ

I believe that there are sufficient rules (and fines) and smokefree designated areas for the smokefree message to get through.

As there is no nicotine in any of the mixes there is no, or little, risk of addiction.

At the moment it is important to offer a legal alternative to the illegal drugs, to take anything smoke related out would only bring back the illegal drugs.

Resource Consent

I think Resource Consent is inappropriate.

Applying for Resource Consent opens the whole "Legal High" debate to vocal minorities and to people with hidden agendas (as was evidenced in Wanganui, where the head of a protest group was found to be dealing illegal drugs and the Legal High shop was taking his business away from him).

Councils have LAPP at their disposal, which would make a Resource Consent unnecessary.
Additiona l Submission

Amount of Product held in-store

During the Christmas period (from 25 Dec. through to 2 Jan) there are no courier services available.

If there were limits on the amount of product any one shop could hold this would severely affect our ability to trade.

We do have a safe, which would more than meet any security standards required, in which we can safely store larger amounts of product.
3 March 2014

The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
P O Box 5013
WELLINGTON

Dear Sir

REGULATIONS CONSULTATION

1. One of the requirements states:

   • It is proposed to require retail licence applications to be accompanied by information showing compliance with Council Policy.

   This is good however I believe you need to state clearly in the regulations that licences won't be issued unless they comply with the Local Approved Products Policy of the relevant district.

2. Our Council thinks this is a good first step to control psychoactive substances. Our community has protested against sellers of these substances and forced them to stop selling the products in our town of Stratford.

   We believe the government should continue to work to ban these substances altogether as they do lead to a lot of harm in the community.

Yours faithfully

S Davidson
CHIEF EXECUTIVE

Stratford District
In the heart of Taranaki
Making a submission

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Consultation questions

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   If not, what else should be required, and why?

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?
   Yes. My only concern here is that a local body that is anti on principle may come up with a policy that is unreasonable or frivolous.

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?
   Yes.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

---

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

No, I don't think this is relevant. It could unfairly penalise an applicant who is a competent person but has no such history. Persons who have such history had to start without it.

---

6 What records should the regulations require licence holders to keep?

---

7 How long should licence holders be required to keep records for?
8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
   • the psychoactive potential and related behavioural effects of the substance
   • the addictive potential
   • the proposed directions for use
   • previous use, including use in clinical trials and in the wider population?

   Definitely on proposed directions for use, particularly to discourage people from binging. I don’t think I am competent to comment on the other questions.

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

   As above, I think they should include advice to discourage binging and mixing with other things such as alcohol.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

As above. I suspect that if someone had overdosed he might not be in a fit state to read such advice anyway.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

I can see the intention in this, but I think it would unfairly penalise responsible people from buying more than one dose. It would be like restricting sales of whisky to one nip. People who are prone to overdose will simply buy more than one packet anyway.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

As above.
19  Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

20  Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

I'm not sure about this, but I think retailers should lock products up at night to discourage burglars. I do this anyway.

21  Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

As above

22  Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

I think the present situation is adequate, i.e., at point of sale only, and not clearly visible from the shop window.
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Yes. I think the present situation is fine. Maybe a plain, simple sign outside the shop stating that the products are available.

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

This is a subject I do have a strong opinion on! Frankly, I think the act has looked at this the wrong way round. By stating where products cannot be sold, it implies that they can be sold anywhere else, e.g., toy shops, book shops, $2 shops, etc. Those may be silly examples, but literally true. Rather than listing places where they cannot be sold, I think the focus should be on where they can be sold. My suggestion is that all shops selling these products must be R18 shops. That would automatically exclude shops such as the shop that was in the news some time ago. My suggestion would be that an R18 shop be defined as one where anyone under 18 was not allowed in the door.

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Yes. See 24 above.
27. Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

I think internet sales should be banned. It is just far too open to abuse, and too difficult to police. I'm hearing even now about underage people and others buying large quantities on the internet. At a retail outlet, the shopkeeper can see the customer and verify his age.

28. Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

As above

29. Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

C

30. Do you support a fixed fee or an hourly charge for processing applications for product approvals?

C
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name)
Address: (street/box number) (town/city)
Email:
Organisation (if applicable):
Position (if applicable):
Are you submitting this:
(Tick one box only in this section)

* as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☐ other (please specify): .................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?

* Yes  ☐ No

(If yes, please make sure you provide an email address.)

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   If not, what else should be required, and why?

   Yes.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?

   Yes, although the evidence needs to be verified as being accurate.

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?

   Yes, as above.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

Relevant training.

Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes, these may be sanctions under the sale and supply of alcohol legislation that go against suitability, but are not offences; e.g. manager's suspension.

What records should the regulations require licence holders to keep?

As intended.

How long should licence holders be required to keep records for?
4 years? That is how long food control plan records are required to be kept.

8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

Other than the ones suggested:
- Training requirements for staff
- Management requirements in relation to staff (e.g. number of staff, duty managers)
- Limits on the number of products sold in any one transaction
- Restrictions on discounts
- Steps to prevent sales to minors
- Cleaning the outside of the premises and immediate environs
- Signage and advertising
- Licensee to keep a register of incidents
- Mandatory notification to Police of violent incidents

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

No

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?


11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

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   - the psychoactive potential and related behavioural effects of the substance
   - the addictive potential
   - the proposed directions for use
   - previous use, including use in clinical trials and in the wider population?

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.
   Yes
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

As this may minimise harm, yes

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

As above
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

“Lolly water” (RTDs) appeal to young females especially, and approved products should not taste like lollies, or have an attractive appearance.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Yes, similar to cigarettes, should they be in stored out of the view of customers. They should not be visible from the street.
23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Yes – age of purchase, no sales to intoxicated persons; displayed at point of sale.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

Accommodation providers (including camping grounds), retail food outlets, hair salons, beauty therapists, tattooists and skin piercing activities.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Advertising limited to the internet only, as described.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Yes, should be as limited as possible.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

That retail outlet advertising must not be visible from the street.
That it includes health warnings.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.


30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?


31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) Michael Sarfai
Address: (street/box number) PO Box 903
(town/city) Invercargill
Email: michael.sarfai@southlanddc.govt.nz
Organisation (if applicable): Southland District Council
Position (if applicable): Manager Environmental Health
Are you submitting this:
(Tick one box only in this section)
☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☒ ☐ other (please specify): Local authority

Do you wish to receive updates about the development of the psychoactive substances regulations?
☒ Yes ☐ No
(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than **5 pm on Friday 21 March** to:
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

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psychoactives@moh.govt.nz

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☐ I do not give permission for my personal details to be released under the Official Information Act 1982.

☐ I do not give permission for my name to be listed in the published summary of submissions.
Making a submission

Submissions close on Friday 21 March 2014 at 5 pm.

Please note: any submissions received after this time will not be included in the analysis of submissions.

Please detach and return this part of the document.

Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?
   
   It should be completely banned. We do not want this stuff in our communities. How can it be that you will 'license' these types of drugs but not the real stuff that is grown in the ground? No tolerance on drugs. NZ has enough problems... by allowing this stuff to be regulated or not you are sending the wrong message to our youth... you are telling them that this stuff is safe, and it is NOT.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?
   
   It should be up to the local council if they want to apply to allow this stuff to be sold in their community. If the answer is NO, then no license should be granted at all.

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?
   
   Yes, if they have failed to comply with cigarette laws then why would they abide by this?
As the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

A total ban...this stuff should not be allowed on our streets. The fact is you are legalising a very dangerous drug. You ban diet pills for goodness-sake and you are seriously going to allow this to be in our dairys? NZ needs to send a message that this stuff is not WELCOME here!

Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes — obviously. This needs to be seriously governed if it is brought in.

What records should the regulations require licence holders to keep?

All records...so that we can better determine what this crap is actually doing...selling it to teenagers who crash cars etc etc. Also how much they are selling and what areas are worst effective as the DHB are going to have to put more healthcare workers in those areas and more drug councillors etc.

How long should licence holders be required to keep records for?
At least 10yrs

8. Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

If the premises have broken any previous restrictions, been charge with selling to minors etc... they should NOT be allowed to stock this stuff. No second chance.

9. Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

They shouldn't be visable. The stuff should be treated like tabacco products... so you cannot advertise etc etc.

10. Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

Yes 100%

11. Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
They should have warnings on them... the problems they can cause... just like cigarettes

12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes... without any of the horrible talk about how good your high will be... a government warning like cigarettes

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

Yes

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

There should be warnings... basically stating that you do not know what this stuff will do you to and in some cases it has cause phycosis etc.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

What to do in case of overdose
You don’t actually know what the stuff will do – may cause mental problems such as depression, phycosis etc.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

They need to have graphic images on them like cigarettes – car crashes, etc etc.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

Yes – this stuff is lethal and highly addictive

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

Yes
19. Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

They shouldn’t be allowed to be called all of these fancy names that incite children. Plain packaging…with psychoactive substance written on it.

20. Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

You shouldn’t be allowed to stock ample supply – to prevent break-ins etc.

21. Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

Yes to prevent break-ins. This stuff is very addictive and places that store it will be targets.

22. Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

They should not be allowed to be displayed. Just like cigarettes.
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

They are toxic and should be discarded correctly so no children can get to them etc.

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

C

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

The stuff should not be sold anywhere.
A certain distance from schools
Not with alcohol
Etc etc

C

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

No advertising??? You can advertise cigarettes the same law should apply
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

NO internet sales – you can’t be 100% sure these people are over 18 just by checking a box??

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

No advertising...

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
31. Should fees be set for other specific functions? If yes, please state what they should be set for.

32. Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name)

Blenheim
(town/city)

Email:
Organisation (if applicable):
Position (if applicable):
Are you submitting this:
(Tick one box only in this section)

☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☐ other (please specify): ...........................................................................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?
☐ Yes     ☐ No

(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than 5 pm on Friday 21 March to:
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

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psychoactives@moh.govt.nz

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☐ I do not give permission for my name to be listed in the published summary of submissions.
Reporting of Hospitalisations, and Permanent Damage to Cognition and Movement, and Consequent Death should be Mandatory...
Newspaper Articles and Reporting of Such Incidents may Serve to Warn those who Experiment, of the Current Danger in Their Community.

The Onus Must Be on the Manufacturers, and Sellers of Such Drugs, to demonstrate their Relative Safety... Not on the Authorities to Prove the Drugs Harmful!

Sent from my iPad
Making a submission

Please note this submission responds to questions 14, 15, 17, 18, 19, 22, 27 and 28 only.

Please note: any submissions received after this time will not be included in the analysis of submissions.

Please detach and return this part of the document.

Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?
4 Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

6 What records should the regulations require licence holders to keep?

7 How long should licence holders be required to keep records for?
8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
   - the psychoactive potential and related behavioural effects of the substance
   - the addictive potential
   - the proposed directions for use
   - previous use, including use in clinical trials and in the wider population?

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

We would strongly recommend that the Alcohol Drug Helpline name, 0800 number, texting number and website address along with an agreed brief description of what the service offers be required on all product packaging and advertising.

The Helpline can offer: harm minimisation information and advice, health information, counselling and relapse prevention for people wanting to reduce or stop use, brief assessment and referral for treatment anywhere in NZ, printed resources, assistance and support for concerned others.

People can contact by: telephone, email, texting and online chat. 10am to 10 pm seven days.

The Helpline is a national crown funded service established to provide easy confidential access to information and help for Alcohol and other drug issues.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

ADANZ supports the four proposed compulsory health warnings.

We would also support information on signs of an adverse reaction including overdose and very basic first aid information e.g. place in recovery position, and then call for emergency and/or medical help.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

C

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

Yes this discourages excess use in terms of amount and frequency of use. This includes overdose.

This is particularly important for novice users or at risk populations. These include children, young people and people with pre-existing addiction, mental health or physical health problems.

C

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

Yes this encourages and offers users the opportunity to consume less with associated less risk.

This is particularly important for novice users or at risk populations.
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

ADANZ does not support permitting smokeable product given the high risk of toxicity associated with combustion of any chemical or the substrate used.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Displays should include visible poster style health warning information and promotion of the Alcohol Drug Helpline and Poison Line for help and advice.

In general the regulations should be encouraging good 'host' or retailer responsibility practice in minimising harm.
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Internet sales sites should contain health warning information, harm minimisation guidelines and links to help and information resources.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

Advertising should include visible health warning information and promotion of the Alcohol Drug Helpline and Poison Line for help and advice.

Especially with any on line advertising with links to key help and information sites.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) Paul Rout
Address: (street/box number) PO Box 13496 (town/city) Christchurch
Email: Paul.rout@adanz.org.nz
Organisation (if applicable): Alcohol Drug Association NZ (provider of Alcohol Drug Helpline)
Position (if applicable): CEO
Are you submitting this:
(Tick one box only in this section)

☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
✓ other (please specify): Organisation assisting people with drug problems

Do you wish to receive updates about the development of the psychoactive substances regulations?

✓ Yes    ☐ No

(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than 5 pm on Friday 21 March to:
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

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12 March 2014

The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON 6145

Dear Madam / Sir

DISCUSSION PAPER: PSYCHOACTIVE SUBSTANCES REGULATIONS

Thank you for the opportunity to comment on proposed regulations under the Psychoactive Substance Act 2013 (the Act).

Under the Act territorial authorities have the ability to prepare, in consultation with their community, a policy on the sale of psychoactive substances. One presumes that the Local Approved Products Policy has the status of a guideline under the model shown on Page 3 of the discussion document. It is unclear as to the statutory force of such guidelines. However in relation to retail licences we support the proposal that an applicant demonstrate how their application complies with a Local Approved Products Policy.

The Act is unclear as to how the Psychoactive Substances Regulatory Authority (the Authority) will handle an application that may on its face be in conflict with a Local Approved Products Policy. The Authority has an open discretion in granting retail licences and that is accepted. However, for those local authorities who have adopted a policy it would represent a waste of time and effort if it is to be ignored. To this end, it is an open question as to whether the regulations should also seek the opinion of the territorial authority if for no other reason but to corroborate anything that may be submitted with a retail licence application. While this would represent another reporting obligation for the territorial authority for which no recovery could be sought (given the application is being made to the Authority), we consider, on balance, that seeking such a report would add value to the effort invested in preparing a Local Approved Products Policy.

We do not support the idea of a generic Local Approved Products Policy. Parliament has, in passing the Act, conferred on communities an opportunity to express a position in relation to the sale of psychoactive substances through their policy. In those localities where a local authority has chosen not to have a Local Approved Products Policy, it is open to the Authority to make its own decision based on the statutory criteria under which it operates. The scheme of the Act in our view does not allow for a generic Local Approved Products Policy. If this was intended then one would have expected it to have been written into the
law or a Regulation without the associated effort of each territorial authority having to prepare and consult on a Local Approved Products Policy.

In relation to licences to manufacture psychoactive substances we consider it would be appropriate that once a licence is granted, that notice is given by the Authority to the relevant territorial authority.

The regulations can be used to specify places other than those already referred to in the Act where approved products may not be sold. Given the flexibility in many home occupation rules in district plans, the regulations should make it clear that psychoactive substances are not to be sold from any building the primary purpose of which is a residential dwelling.

As Tasman District Council already has in place a Local Approved Products Policy we are happy to answer any further questions that may arise following consideration of submissions.

Yours sincerely

Dennis Bush-King
Environment & Planning Manager
Summary
*Current laws have not reduced drug use in under 21 age group

*Current laws discriminate against Maori and Pacific Island Community's and increase costs for law enforcement

*Current laws are not in line with scientific evidence and are based on emotional rhetoric and international obligation rather than a scientific basis.

*Substances current legal under the psychoactive substances bill may be worse than traditional substances such as cannabis

*Traditional psychoactive substances such as cannabis should be removed from the mis-use of drugs act and reclassified under the psychoactive substances act

*Current laws prevent persons with illnesses using substances that have proven to be effective and prevent research into the treatment of various ailments utilizing tradition psychoactive substances

*Community responses such as "not my child" and "not in my back yard" are largely based on emotional responses and are inconsistent with scientific evidence and other psychoactive substances currently available for public consumption such as alcohol

Full Submission

Recently the psychoactive substances bill was passed into law,

I believe that this is most definitely a step in the correct direction to control and regulate drug use in NZ we still have a long way to go.
Currently New Zealand has the unenviable position as having one of the highest use of cannabis use in the OECD of persons in the under 21 age group and in many cases substances such as cannabis are easier for children to buy than beer or tobacco regulated psychoactive substances


Our previous and current policy's towards drug use and consumption have been poorly thought out and are most often based on emotional responses rhetoric and international obligation rather than a systematic and scientific basis.

This in-turn has increased costs to our police, courts and prison system families and in particular caused discriminated against Maori and Pacific Island communities.


The cost of our convictions

In the USA there are many states in particular Washington and Colorado that have reviewed their approach to psychoactive substances such as cannabis, and have gone as far as taking the wholly rational and responsible approach of legalizing the sale of such substances with appropriate age restrictions and limits, further afield Uruguay has completely legalized cannabis

My concern is many so called legal highs that on sale are based on experimental substances designed exclusively for studying the effects of one or a small group of particular compounds and how it affects the specific components of the brain or body which were NEVER intended for human consumption.

As the current situation we have where some "legal" mostly untested and lightly researched psychoactive substances that are currently available for purchase on the surface seem to cause more harm when compared to traditional substances such as cannabis that has a strong amount of research and history behind it seems very strange

So while I fully believe the psychoactive substances law is a great initiative future policy should re-review all banned psychoactive substances currently listed on the Misuse of Drugs Act 1975 such as cannabis and these should be granted an appropriate legal status based on sound scientific evidence based on what causes the least amount of harm

Drugs Harm Research Beckley Foundation (See Page 1050)

More research needs to be conducted to ensure new substances are reviewed and appropriate resources granted to ensure that they are likely to cause the least amount of harm (see Drugs Harm Research Beckley Foundation Page 1050) when compared to existing drugs and
resources made available to assist persons who have dependency issues

This could be part funded by additional taxation on psychoactive substances.

Current laws surrounding psychoactive substances have also impaired research into treatment for various illnesses and ailments for example a recent study in Sweden found LSD was useful in assisting patients with terminal cancer

LSD paired with psychotherapy alleviated end-of-life anxiety in patients suffering from terminal cancer.

And cannabis which has been used since pre-history for a wide variety of illnesses has more recently been extensively studied and shown to be effective for many ailments from Cancer Aids Post Traumatic Stress and Chronic Pain

However as mentioned our current laws prevent and limit research into the usefulness of traditional psychoactive substances despite the NZ Law commission review of the mis-use of drugs act advising that cannabis in particular should trialed in conjunction with the ministry of health for persons with chronic pain or terminal conditions

My other area of concern is "not my child" and "not in my back yard" community response which seems to extremely prevalent when discussing psychoactive substances and laws governing them

Sadly there seems to be a huge amount of emotional responses and rhetoric on this topic which is most often based on emotions rather than solid scientific evidence

and I strongly urge the commission to ensure that they do not fall victim to this as this is 2014 not 1960 reefer madness

I notice many communities where there is an emotional backlash on businesses selling psychoactive substances don't seem to have the response to businesses selling alcohol and tobacco which are proven scientifically to cause more death health costs and issues to communities than psychoactive substances

I believe this is most likely because of poor and mis-information and a better effort needs to be made to ensure people are aware of sound scientifically based evidence rather than scare mongering or emotional rhetoric

I would further like to thank the commission for taking the time to read this submission

Kind regards
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

Napier City Council Submission on the Psychoactive Substances Regulations

Opening Comments

Thank you for the opportunity to submit on these Regulations. The community of Napier City has expressed strong concern over the licensing of retail outlets for psychoactive substances. During the public submission process covering the establishment of a Local Approved Products Policy in Napier the overwhelming majority of submissions focussed on a community desire to see the sale of psychoactive substances (PS) banned outright. While the policy (entitled "Policy on the Location of Approved Psychoactive Products Sales Points") became operative in December 2013 the Council is of the view that the Act has not provided sufficient community input into elements of the document.

The brain function and physiology of young people is not fully matured into the “20s” (Johnson, Blum, Giedd 2009) hence it is important that the appeal of these products to the youth market is minimised. Similarly, where possible, access to these products by this sector of the community should be minimised. Many elements of this submission deal with concerns over the potential impact to youth. For the purposes of this document the term “youth” describes those under 25 years of age.

Licence Applications

Retail licence applications should be accompanied by evidence of compliance with the Local Approved Products Policy (if one exists). If documentation is required from a territorial authority to confirm or negate this this should be fully cost recoverable. Ratepayers should not be put in the situation of subsidising this activity.
In addition to the information currently being considered for retail licence applications applicants should be required to provide similar information to that for a liquor licence. For example:

- Indication of the hours of operation sought (reason: there may be a desire for the community to separate trading hours from times when students are transitioning to school)
- Indication of the level of training of staff who intend to sell substances. (reason: the staff are dealing with an intoxicating substances with potential health consequences if use inappropriately. Arguably some of the substances are of higher risk than alcohol so there must be someone on site with a similar level of training and responsibility as a Certified Manager under the Sale and Supply of Alcohol Act but with an ability to deal with intoxication from PS).
- Sales staff and licensees should face a “three strikes and you are out” regime similar to the “holdings” specified in the Sale and Supply of Alcohol Act.
- Indication of process to deal with intoxicated patrons or attempts to purchase PS under age. (reason: the risk associated with sales to impaired or underage purchasers is unacceptable and responsibility for the prevention of this must lie with retail outlets)

**Fit and Proper Persons Applications**

The provisions with regard to fit and proper persons appear reasonable. However, in circumstances where a licensee is found to have committed offences (or similar) after they have been granted fit and proper person status, there needs to be a mechanism to act promptly to suspend or cancel a licence operated by that person.

As these substances represent a new bracket of potentially mind altering substances it is important that the initial standard for sales is set very high. It is critical that people found not to be fit and proper who have already been issued with a licence for sales are not left with the ability to operate a licence to sell those substances.

**Discretionary Conditions**

A discretionary condition to allow the police, the authority or its representatives to access financial records of any retail outlet, distributor or manufacturer is an important mechanism to prevent access to these businesses by criminal elements.
Process for considering applications

There should be a clear and unambiguous means for members of the community to lodge objections against applications with the Authority on a similar set of criteria to that which applies under the Sale and Supply of Alcohol Act. As these regulations will empower the sale of another set of mind altering substances (beyond that of alcohol) the establishment of points of sale (or manufacture and importing) should be open to at least the same level of scrutiny as that of alcohol.

Labelling and packaging

Informed use of approved products is a crucial part of this regime. Accordingly labels must be comprehensive and accurate. The regulations should include strict penalties including priority withdrawal of inadequately labelled product, public apology advertising, infringement fines and potential for loss of licence.

While the manufacturer or distributor of PS has a responsibility to issue product with correct labelling this must necessarily extend to the retailer to ensure the safety of clients. Given the potential for health damage in the event of over-exposure of a client to PS, retailers should be made strictly responsible for correct labelling of any products they sell. There should be appropriate levels of sanction if they fail in this responsibility to the public.

All of the above comments also apply to the Health Warnings section.

Packaging

PS are by their nature potentially harmful to the human mind. Accordingly all retail sales should occur exclusively in child proof containers. Packaging and labels should not be coloured or contain images likely to appeal to a youth market or children. In order to minimise the potential for appeal to a youth market sales should be restricted to plain packaging.

The industry could be given a transitional period to achieve this to minimise any potential affect to their brand.
Packaging should be restricted to a specific volume of the material so that large volumes cannot be broken down (post retail sale) to allow street sales of the material. The volume available for purchase on any single day to an individual should also be restricted.

Advertising restrictions

In order to reduce the appeal of this product to a youth market it is recommended that advertising be restricted to availability of brand names and should not permit images or bright graphics.

Additional Matters

1. Minimum pricing /Sales Tax

A minimum pricing regime should be introduced for the sale of the product to limit appeal to a youth market. This should not be so high as to encourage a “black market” but could include a component of tax – in a similar manner to that of tobacco. A suggested minimum value is $25 per transaction.

2. Impairment Assessment

An assessment tool tied into the regulations should be developed to allow for assessment of impairment or intoxication. This could be similar to the tool used for assessment of intoxication by alcohol used by the police but targeted towards psychoactive substances. Sales staff should also be familiar with intoxication assessment (by psychoactive substances and alcohol) to prevent sales to those already impaired who could suffer compounding issues.

Concluding Statements

The issue of control of PS may be viewed as complex however the community of Napier believes that nothing less than a total ban on these products is appropriate. The legitimisation of further mind altering substances in the New Zealand market place is inconceivable in the context of communities grappling day to day with managing the issue of alcohol related harm. Central government has shown a lack of courage in
tackling this issue that may have mental health ramifications to the wider community for years to come.

Notwithstanding the above, there are three key points Napier City Council would like to emphasise must be addressed in the Regulations:

1. The regulations must address the need to sales staff to be trained in the sale of the materials they are marketing and carry similar responsibilities that those of off licence alcohol sales at a minimum.
2. There must be a mechanism to constrain hours of operation of retail outlets to minimise the harm of sales to the community, particularly the venerable youth market.
3. The product needs to be marketed in a manner that does not appeal to youth and contains clear warnings as to potential health effects and appropriate first aid treatment.

Should an opportunity exist to speak to this submission Napier City Council Council would like to have an officer do so.

Point of contact:    Michael Webster
                    Regulatory Services Manager
                    Napier City Council
                    Private Bag 6010
                    Napier 4142

Reference:

1. Journal of Adolescent Health
   Volume 45, Issue 3, Pages 216–221, September 2009 Johnson, Blum, Giedd
Making a submission

Submissions close on Friday 21 March 2014 at 5 pm.

Please note: any submissions received after this time will not be included in the analysis of submissions.

Please detach and return this part of the document.

Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?
   
   Any other convictions should be included.
   Any previous convictions would enable the Authority to more fully assessed the suitability and character of the potential licensee.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?
   Yes.

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?
   Yes.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

Conflicts of interest - in a trading sense.
Other known associates
If the licence applicant is a body corporate there should be a screening of the board members to ensure all involved are of good character with no previous convictions.

Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes with a view to also establish if there are any conflicts of interest.

What records should the regulations require licence holders to keep?

Products and substances are traceable to the point of sale.
Licence holders should maintain a register of substances that they sell and also maintain a stocktaking system to ensure they know what substances they have in stock at any time. This should be audited by the Ministry - this could be conducted when a licence is renewed, or at any other time.

How long should licence holders be required to keep records for?
Seven years — should maintain basic financial record standards.

8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

- Probationary period for new sellers. After satisfactory performance during probationary period new sellers issued with a full licence.
- No food.
- No alcohol or gambling.
- Sale area clearly defined and segregated from other activities.
- Security of premises
- Use sales staff 20+ years of age.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

- Licenses should be inspected same as a food premises – at least once a year.
- The Authority should audit their records.
- Review performance each time licences is renewed.

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

Retail outlets should have a low stock management system.

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

Yes – out of the reach of children and customers.

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Yes – like cigarettes kept out of view.
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

Yes – expiry dates should be observed and stock out of date disposed of. Standards should be set to ensure safe disposal of approved products.

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Yes. No external signage should be permitted.

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

No restrictions.

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

No advertising of approved products should be permitted. The aim of the Act is to minimise, advertising would work against the purpose of the Act.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

No advertising of approved products should be permitted. The aim of the Act is to minimise, advertising would work against the purpose of the Act.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) Graham Sewell
Address: (street/box number) Laings Road
(town/city) LOWER HUTT
Email: Graham.sewell@huttcity.govt.nz
Organisation (if applicable): Hutt City Council
Position (if applicable): Principal Policy Advisor
Are you submitting this:
(Tick one box only in this section)
☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
+ other (please specify): Staff Hutt City Council

Do you wish to receive updates about the development of the psychoactive substances regulations?
☐ Yes ☐ No
(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than 5 pm on Friday 21 March to:
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

Alternatively, electronically complete the submission form available at the back of this document, add your comments and email to:
psychoactives@moh.govt.nz

Please put ‘Regulations Consultation’ in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will release your submission to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), the Ministry will remove your personal details from the submission if you tick the following boxes.
☐ I do not give permission for my personal details to be released under the Official Information Act 1982.
☐ I do not give permission for my name to be listed in the published summary of submissions.
Making a submission

Submissions close on Friday 21 March 2014 at 5 pm.

Please note: any submissions received after this time will not be included in the analysis of submissions.

Please detach and return this part of the document.

Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?
   For New - NZ residents, what checks are completed overseas in support of application?

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?
   Yes

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?
   No - all councils to have an adopted policy before retail licence application considered.
4. Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:
   - whether the applicant has been convicted of a relevant offence
   - whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
   - whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
   - any other matter that the Authority considers relevant.
If you think these factors are not enough, please give examples of additional factors the Authority should consider.

5. Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?
   Yes

6. What records should the regulations require licence holders to keep?
   Due to large numbers of 'cash' sales - opportunity to siphon off income.
   Have strict audit mechanism in place to account for income of all types. vs stock units purchased from wholesaler.

7. How long should licence holders be required to keep records for?

2. Psychoactive Substances Regulations: Submission form
As per 1RD requirements
7 years

8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.
- Hours of trade (i.e. 10-2, 6-8pm)
- Large number of children waiting in vehicles while caregiver purchases legal highs & also passive smoking same on way to/from school.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?
- Number of other applicants in area.
- What is the benefit to community
- What impact to families of those purchasing
- Who will oversee consequences of failing to comply with regulations

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?
Yes.

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
Include research stating proven benefits.

12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes in detail including other drug contraindications, i.e. with other anti depressants/metadone/heart medication etc.

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

Yes.

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

Include dangers to children of passively being exposed to substance.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

\begin{verbatim}
In case of overdose 0800 ...
For addiction services 0800 ...
For mental health care 0800 ...
\end{verbatim}

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

\begin{verbatim}
\end{verbatim}

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

\begin{verbatim}
Yes if price was dearer and to include sizeable Excise Tax to make less affordable for people.
\end{verbatim}

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

\begin{verbatim}
\end{verbatim}
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn't be allowed?

Anything in any form that may have psychoactive properties; smoke, tablet, drink etc.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

Away from reach of children.

R18 shops

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

Lock cupboard out of sight.

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Out of sight (ie: like cigarettes at supermarket).

No advertising of products but advertise Addiction Services, mental health etc 0800 numbers.

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Psychoactive Substances Regulations: Submission form
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

   ID required for all sales.
   R18 = no children/babies allowed in shop at all.

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

   Yes
   Hotels, liquor stores, dairies, takeaway shops, gift stores, surplus store, TAB/Lotto, petrol stations, anywhere children are likely to shop.

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

   Yes - no advertising at all.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Yes - very difficult to monitor.
If sales are linked to credit card that is R18 restriction, however what about a Debit card, as that has no age restriction.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

No advertising at all.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

Fees for Research, Import, Wholesale & Sell Non-approved are too low and should be increased to as much if not more than Retail.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?

Fixed Fee
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

Annual audit fee

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

$1000 seems very low for retailers who are making twice this and more in a week.

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name)
Address: (street/box number) (town/city)
Email: 
Organisation (if applicable): 
Position (if applicable):
Are you submitting this:
(Tick one box only in this section)

☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☒ other (please specify): .................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?
☐ Yes  ☒ No

(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than 5 pm on Friday 21 March to:
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Ministry of Health
PO Box 5013
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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?

   If not, what else should be required, and why?

   No. The proposed information should include more detail on the background of all the individuals named in the application. Maybe in the form of a resume or CV to enable references to be checked.

   Also the form could state with more clarity exactly what information is needed and why. Currently some confusions can arise in form filling.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?

   Yes

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?

   Yes – it’s essential like giving certain warnings and consumption information on the back of a packet.
4. Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:
   - whether the applicant has been convicted of a relevant offence
   - whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
   - whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
   - any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

I think the areas covered here are sufficient, but should be more specific in terms of what would prevent the issuing of a licence, and the specific should have relevance to the licence being applied for. "Any other matters the Authority considers relevant" is too vague. Sounds like how long is a piece of string.

5. Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Do you mean as at the time of the application, or historically? There should be two sections, one for each category, to both enable the PSA to determine if there have been breaches of other regulatory requirements historically, and to determine if there is a distinct possibility of a potential cross-over of interest/risk if the person/company is involved in areas where a combination of say alcohol and PS activity could be undesirable.

6. What records should the regulations require licence holders to keep?

Full details of supplies purchased, products produced as a result and their distribution to whom, when etc. Plus details of wastage, spoilage or other loss. Plus for example for manufacturers records of cleaning and compliance issues.

7. How long should licence holders be required to keep records for?
8. Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

There should be a balance maintained between small and larger manufacturers/retailers in order to allow new entries into the market to start and grow and create competition (it's healthy for the Industry). There should be more flexibility in terms of siting of manufacturing locations as a range of factors could influence a need for such a premises to move. Permission to do so should be sought, but not be unreasonably withheld. To a degree this may apply to retail also, but permission in these instances should be more difficult to obtain. Discretionary conditions should again involve fairness and balance and bear in mind the reality of business rather than the dead hand of bureaucracy. The real world is not black and white.

9. Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

As indicated above, the historical background of the applicant should be taken into account. Their success in salaried or self-employment and/or business or lack of it. Their extended family (for obvious reasons) but against this is again an area where discretion must be applied. The world is not black and white. Other issues could be location (in retail or manufacturing). But the market should sort that out in reality.

10. Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

Yes as long as these are kept confidential. As the industry grows and develops, one of the only competitive advantages a manufacturing applicant/licence holder can develop is a product that better meets the needs of the consumer. The days of the cowboys using chemicals that were a bit dodgy or too powerful are over. Reality has sunk into the industry. Meeting the needs of the consumer with sophisticated and non-threatening products rather than trying to out-power each other is now more important.

And also -- keep it practicable. The industry should not be driven to distraction by endless requests for lists and information on compliance. Don't create an empire of men in white coats.

11. Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Information and data on the toxicity, pharmacology and related clinical within reasonable parameters should be provided. Such data should be supplied by an independent testing authority acceptable to or nominated by the PSA as is currently provided for. However the PSA should not be allowed to continue to ask for more and more information and data beyond that of a reasonable standard or level. (see above men in white coats)

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

Yes
No, because the propensity of individuals towards "addictive potential" varies enormously – just look at the effects of alcohol. Some people drink a lot and do not become addicted. Some drink not so much and become addicted. To my understanding PS substances are not inherently addictive like alcohol and tobacco or meth or cocaine etc.
Yes including health and other warnings
Possibly – but could be very hard to be definitive

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.
They are sufficient in terms of general health and well-being. They are already far in excess of those for alcohol which creates far more damage within the community than PS substances. However they could include advice NOT to use PS substances at the same time as alcohol for the simple reason that excess alcohol consumption before using PS substances can easily lead to the PS substances then being taken to excess, and for the usually mild effect of the PS substances to be altered by consumption of alcohol.

15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

I believe they are sufficient.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

They are sufficient

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

No. Generally one packet (usually 2.5gm) is sufficient for 5 to 6 doses – if we are assuming that one “smoke” or joint is one dose. One problem is that some people think one packet is a dose – and in fact in doing that they sometimes thereby consume far more than would normally be taken if they were, for example, smoking one traditional marijuana joint. It is the excessive consumption by some irresponsible people that causes the problem – as indeed it does in the case of alcohol. It’s often not the PS substance that causes the problems that are sometimes seen in some cases where the PS substance is often blamed – it’s the eight bottles of rum and coke mixture (RTDs) they had first that causes the problem. Packets should reflect that one “dose” is roughly equivalent to one joint. That won’t stop people exceeding the dose of course. How many cans of Red Bull or similar products are sold that say the can contains “two serves”? And consumers just drink half a can a day? I don’t think so. Give the best information and let the consumer be responsible for their own decisions. Just like other regulations allow users of alcohol and tobacco to do.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?
Not sure I understand the question. Are you suggesting that a 50 gm packet of tobacco is split into 60 or 70 “doses.” Locks and sounds totally impracticable.

19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

By form do you mean the shape and appearance of the packaging, or the content of the inert herbs, or the levels of active ingredients.
Leave the packs alone – with the exception that they should not be allowed to appeal to the young (ie resemble candy or similar).
Leave the size alone – 2.5 grams should be enough for several days on consumption. Any smaller and packaging becomes an issue – any larger and it would encourage excess consumption (like selling slabs of rum and coke in liquor stores.)
If you mean tablets or capsules or pills then these should be allowed. At least the consumers can then choose not to “smoke” and that’s a major harm minimisation benefit.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

No, but with the exception that when not in use they be locked in a secure container (ie a gun locker).

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

When ready to sell already they must be stored in some form of cupboard that cannot be accessed immediately (ie grabbed over the counter) and this should be sufficient. Possible bulk quantities should be locked away at night (ie a gun locker) to help prevent burglary.

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?
Yes, but I understand this is already covered. The cupboard/secure box or similar, immediately handy to the retailer, can have discreet displays of the products available for sale. Remember, such PS products can only be sold in R18 stores, and people would only enter these stores for an express purpose. Generally customers within R18 stores are not just cruising around window-shopping and then finding themselves unexpectedly “sucked in” to buy products by lavish and provocative marketing.

23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

I would recommend that together with the required auditing documentation (for example in the case of a product recall) such product for disposal should be sent to an official Government destruction site (e.g. Customs) and the manufacturer/retailer be allowed to claim benefits (GST refund, claim for waste against other taxes or as a “loss” in the accounts) as a result of this official disposal.

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Yes - No window signs for PS substances. No major instore displays beyond the display of one pack front for each of the varieties of brands sold in the R18 store.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

Currently they can only be sold in R18 stores and the internet. Ban internet sales (see below)

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.
To my knowledge no advertising or publicity outside a small R18 packet display is allowed. I believe that is adequate. Pack front only, maybe maximum 4 x pack size for a display. No exhortations. No special appeal to young people (packs themselves that is).

27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

To be honest, I don't think internet sales should be allowed. The "retailer" has no idea who is buying the product. They could be under age, or in a poor state of health, or intoxicated by PS substances or alcohol; and the temptation by some retailers to break the law in terms of display and publicity and promotion could be an irresistible temptation for some more unscrupulous people.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

There should be no advertising (in the broad sense) for PS substances – mind you that should also apply to alcohol products! See above re in-store displays.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

Sorry, not sure what the proposed fee to licence ratio is – but in principle that should be OK so long as there is no "renting" by the PSA. Use the KISS principle.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
A fixed fee — but one that bears some relationship to the application processing time taken. Maybe a fair rate based on a fixed basis (like a car repair shop...xx to change a tyre), and a discussion to take place in the event that the particular licence application does not fit the basic charge. But keep it fair — no sortling such as that being carried out by local councils.

31 Should fees be set for other specific functions? If yes, please state what they should be set for.

No. The PS A has a job to do, and a budget within which to complete it. The PSA is not a commercial operation, it is providing a service or indeed a duty of care to NZ Citizens — that's what they pay their taxes for. If individual charges can be made the system would collapse under the weight of administration - $10 for a phone call, $2.00 for an email etc. Just charge for the broad process and write the rest off as the cost of doing business — just like commercial operations to.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

Cannot answer. But KISS.
You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name)
Address: (street/box number) (town/city)
Email: Organisation (if applicable):
Position (if applicable):

Are you submitting this:
(Tick one box only in this section)
☐ as an interim licence holder ☑
☐ a person or body corporate intending to apply for a licence
☐ other (please specify): ...........................................................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?
☐ Yes ☑ No
(If yes, please make sure you provide an email address.)

Please return only one copy of your submission no later than **5 pm on Friday 21 March** to:
The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
WELLINGTON
Email: psychoactives@moh.govt.nz

Alternatively, electronically complete the submission form available at the back of this document, add your comments and email to:
psychoactives@moh.govt.nz

Please put ‘Regulations Consultation’ in the subject line.

Your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will release your submission to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), the Ministry will remove your personal details from the submission if you tick the following boxes.

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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?
   Yes in general,
   ✓ Another criterion could also require all applicants/company directors to be a New Zealand Citizen; this is to retain all industry economic worth to the country.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?
   Yes,
   ✓ This will speed up application approval time
   ✓ Document supported submission iterating achievement of each criterion, in specific identifying actual evaluated proximity to the nearest related sensitive spots and other retailers

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?
   No given the local council will not be monitoring the operation.
   ✓ A MOH representative site visit and interview of applicant would prove most valuable as a general screening process
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

Yes in general, but as proposed previously in #1 for additional information requirements:

- All applicants/company directors are a New Zealand Citizen (to retain all industry economic worth to the country)

Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes,

- if previous experience exists it should be outlined and recognised in building the stature of a good trader
- History of breaches in respect to liquor licensing laws should be acknowledged and deliberated on

What records should the regulations require licence holders to keep?

- In general across the industry auditable accounting processes to ensure all IRD requirements are completed, with all records kept at the company’s office or accountants
- Electronic stock inventory management point of sale system, for all wholesalers and retailers, with at a minimum quarterly stock-take requirement and documentation of this being carried out kept on-site

How long should licence holders be required to keep records for?
8. Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

Yes,
- A clean trade period/record needs to be taken into consideration
- Retailers should be treated similar to liquor licence holders and if a breach of conditions occurs, suspension for a period (1-7 days) in the first instance, alongside applicable fines

9. Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

Yes,
- Direct professional experience history within the industry or a related industry

10. Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

Yes

11. Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
Yes,  
✓ A provision to enact similar to liquor, a system to licence stores staff to become managers on duty 

Training the retail sector is vital in developing a robust industry.

12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for? 

Yes if these are realistically attainable.

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on: 
- the psychoactive potential and related behavioural effects of the substance 
- the addictive potential 
- the proposed directions for use 
- previous use, including use in clinical trials and in the wider population?

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions. 

No,  
✓ All labels should be in black and white scale only 
✓ No Colours used as these can be more appealing and attractive to certain people 
✓ Use of logos, trademarks permitted 
✓ Specific font used for all informative text 
✓ Health warning information should be set in a specific font and size, and generically placed on all packets and as legible as any other descriptive information
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

At present the messages convey a lot of don'ts, it should also include a possible 4 do's like;
- Do seek medical attention if undesirable effects last longer than 1 hour
- Do enjoy responsibly
- Do hydrate regularly with non-alcoholic beverages, most preferably water
- Do consider calling a helpline if you are feeling not in control of your intake or recognise a friend that may have evident issues and you want to help

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

No,
Northern Lights (Planet Nature Ltd) packaging in general should be the model to work from, which incorporates;
- Tamper proof zip lock heat sealed packaging
- Black and white branding
- Large packaging that enables adequate room for elaborate and easily legible bold health warnings
- Descriptive how to use/consume product

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

No,
- Firstly what constitutes a dose when some people may use 1 gram in a joint, where as other consumers in an evening may only use 0.2g in a cone and be satisfied
- This will cheapen the product and encourage addiction by giving people the means to easily purchase 'a fix' for around $5
- Customers will end up purchasing numerous doses at once
- If we mirrored this policy in alcohol reform what would constitute a dose, 1 glass of wine or would it be 1 bottle, 1 beer or a 6 pack?

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

No,
- It needs to be recognised similar to alcohol and recognition of the scientific research that for the greater majority, it would take an incredible amount to overdose when consumed in the current format
- The issue is the ease a person can potentially overdose on alcohol for less than $20
- Given the current well graded strengths of the products, it would be near impossible anyone could ever overdose to the point of death from consumption
- All consumers have different tolerances that a generic dosage cannot cater to
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

Yes there is a need to limit to methods for consumption, and I feel consumers should be given 3 educated general options to choose from:

- Smoking form. This commonly being the most social way to enjoy
- Pill/tablet. Giving the consumer the harm reduction option, eliminating damage to respiratory health
- Vapour fluid. Similar to electronic cigarettes. The product could also be appreciated socially in this format, educating/encouraging the consumer to move away from the harm associated with smoking

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

Yes standard security measures implemented;

- CCTV
- Alarmed premises
- Excess stock kept in safes or securely locked down units

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

Yes standard security measures implemented;

- CCTV
- Alarmed premises
- Excess stock kept in safes or securely locked down units

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Yes,

- Only available and visible at the main point of sale
- Not directly visible from outside/entrance of the store
23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

Yes,
✓ The disposal of products deemed not fit for sale should be referenced/managed through Police
  Destruction

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Yes,
✓ Similar to the Public Health warnings publications for alcohol, such signs should be displayed
  clearly at the point of sale
✓ R18 premises clearly indicated at point of entry

25. Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

No,
✓ Keep with the status quo of defined places, and as long as all stores are a Restricted Licensed
  Area, with prohibited entry for any persons under the age of 18 (unless accompanied by
  parent/guardian); this will cement the grounds of being defined an adult only store.

26. Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Yes, but the current measures are overly restrictive and without naming particular brands, operators should
  be able to discreetly indicate through print or radio that they are licensed dealers for approved psychoactive
  products.
  For example the following line could be the only indicative signal permitted in print or audible;
  ✓ Government regulated psychoactive products licence holder
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Yes,
- R18 restrictive front page to site
- Not to be sold cheaper than the wholesaler's market prescribed RRP, this to limit off loading by manufacturers with internet retail sites
- Prominent health warnings alongside product descriptions and imagery
- Customer registry with scanned image of age identification required for purchases

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

Yes,
- Limited to within 2m radius of the point of sale
- Not permitted to face the shop entrance
- Cannot display price
- Has to include, as legible as any other descriptive text, an appropriate health warning
- R18 prominently featured in print or directly beside
- Limit to A3

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

Yes, but these would need to be reviewed
- If an excise tax were to be introduced
- If the number of licences issued is not capped by vicinity per head of population

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?

Yes both,
- Fixed fee so it is clear from the outset. As long as the applicant provides all that is requested, the processing for each should be similar
- If further information is requested/required and submitted over and above general processed applications, then a non-refundable hourly rate becomes applicable to complete processing of the application

8 Psychoactive Substances Regulations: Submission form
31 Should fees be set for other specific functions? If yes, please state what they should be set for.

Yes,

✓ Local Body Council inspection annual levy (to ensure inspection of premises is regularly carried out)
✓ Local Body Council registration (similar to that implemented for licensed food premises)
✓ Licensed Manager applications (similar to alcohol)

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

Yes

You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: ____________________________ (name)
Address: ____________________________ (street/box number)
                      ____________________________ (town/city)
Email: ____________________________
Organisation (if applicable): ____________________________
Position (if applicable): ____________________________
Are you submitting this:

(Tick one box only in this section)

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☐ other (please specify): ..........................................................................................................................

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☑ Yes  ☐ No
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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   If not, what else should be required, and why?

   - I would like there to be a "cradle to the grave" system for all forms of psychoactive substance. This means that from when the produce is either manufactured or imported it has a unique identification number on a barcode attached to it. This barcode can then be traced from manufacturer, importer to wholesaler, to retailer and ultimately to consumer. The products need to be identified to the batch, much like medicines can.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant's area?

   Yes

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant's area?
4 Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

This should include infringement offences as well. There is an argument that infringement offences are not an offence, as the person did not appear in court.

Breaches of LAPP's should be included in this as well, this includes warnings given.

Warnings from all enforcement agencies should also be included.

"Fit and proper" should be a robust decision. I see public consultation during the licence request as a way to expand on this.

The fit and proper person should include the people employed to work in the premises, not just the licence applicant. With the liquor industry, there are duty managers and the staff have to obtain a bar licence.

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes
6 What records should the regulations require licence holders to keep?

- I would like each licence holder to have a register that includes the product name, the volume of the product, the batch number, the received and despatched date, the name of the courier company used.
- The batch number would identify the wholesaler. This is important when identifying sales to non licensed retailers.
- Courier receipts should also be kept.

7 How long should licence holders be required to keep records for?

The same as for IRD tax records

8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

- Internet sales. I would like to see Internet sales prohibited for people with a retailer licence. The only people that can sell this product via the Internet will be an importer or a wholesaler and then they just quote the licence number and company of the person that they are selling this product to.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

The trading hours are a very important issue. In Napier these vary from day to day. The seller opens when he feels like it.

I would like to see the hours from 0700-1500, this ensures that they are closed before secondary schools. Mornings are the worst times, as with these products being so addictive, people are lining up on the footpath. Today we had 65+ people lined up at 0900.

The trading hours should also be able to be included in any LAPP.
10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

Yes

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?

I would like there to be a "cradle to the grave" system for all forms of psychoactive substance. This means that from when the produce is either manufactured or imported it has a unique identification number on a barcode attached to it. This barcode can then be traced from manufacturer, importer to wholesaler, to retailer and ultimately to consumer. The products need to be identified to the batch, much like medicines can.

Very important: There needs to be a definition on the term wholesale linked to numbers of packets sold. Keep this simple, manage the packet sizes to a uniform small amount of say 2.5 grams. We are experiencing huge problems with people on selling large amounts. My suggestion is that "Retail" has a cap of 5 packets to individuals within a 24 hour period. If more than 5 packets are to be sold to an individual, then it must be from a "Wholesaler" to a "Retailer". A clear definition in the interpretation section of the regulations would cover this. This works well with the Land Transport Road User Rule (Traffic Regulations) for Land Transport Act matters (length of tow rope, following distances, etc)

12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:

- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?
14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

Need clear health warnings.

15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

No, need to be like cigarettes.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

No, need to be specified minimum and maximum package sizes, as some products are now sold in reduced sizes to become more affordable to youth and vulnerable people.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.
Yes very much. There needs to be a minimum size as well, as some retailers are selling smaller doses that are affordable to our youth.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

Doses should be limited to 2.5 grams.

19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

Yes.

Because the issue of presumption is important, currently we need to catch a non licensed retailer in the process of selling before we can charge them. Storing several hundred packets under the counter of a dairy is legal, if they say that they are using this personally.

It should now be an offence to store psychoactive substance products in any business trading in the retail of any product that does not have a psychoactive substance retail licence. This would make it illegal to store psychoactive substances in dairies, liquor stores,
21. Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

Storage should be either in psychoactive substance stores or in a warehouse that is not used for retail purposes of any goods.

22. Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Same as cigarettes.

23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

Yes, must be returned to either MOH or the wholesaler.

Good documentation needs to be kept, in line with the cradle to the grave idea.

24. Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.
25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

Wholesalers should not be registered from residential addresses.

Retailing must continue to only be sold from a retail and not residential address.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Nil advertising on the media.

Same as cigarettes in store.

27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Yes, this is a huge issue. There should be **NO RETAIL SALE ON THE INTERNET.**

Internet sales should only be available to wholesale and importing licence holders, none to retail.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.
29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?

31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.
You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by:  (name)  
Nigel Hurley

Address:  (street/box number)  P.O.Box 245
(town/city)  Napier

Email:  nigel.hurley@police.govt.nz

Organisation (if applicable):  Police

Position (if applicable):  Community Relations Sergeant

Are you submitting this:  
(Tick one box only in this section)

☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
X other (please specify): .................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?

X Yes

(If yes, please make sure you provide an email address.)

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Consultation questions

1 Is the list of proposed information requirements for licence applications comprehensive enough?
   
   If not, what else should be required, and why?

   The AA recognises the following may be out of scope. However, we believe that the drug driving provisions of the Land Transport Act 1998 need to include an offence of driving whilst impaired by approved psychoactive substances.

   We recognise that, for this offence to be provable, ESR would need to be able to successfully test for the impairing presence of approved psychoactive substances.

2 Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?

   Yes. It is important to ensure consistency and maintain the integrity of any local approved products policy.

3 Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?

   Yes. Comments as above.
Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

---

The Authority should consider requiring retailers to provide evidence on how they will train their staff to ensure they comply with the regulations and answer consumer questions.

---

Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

---

What records should the regulations require licence holders to keep?
7 How long should licence holders be required to keep records for?

8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

The Authority should consider requiring retailers to provide evidence on how they will train their staff to ensure they comply with the regulations, inform consumers of a product's health warnings and answer common consumer questions.

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

Yes. The AA also recommends that product approval application contain information (and data), where available/relevant, on the substance's impairment on driving.

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

The AA fully supports a proposed compulsory warning stating that a person should not drive after taking this product. However, it is important to ensure:

- the warning is prominent and eye catching. It could be displayed as an image
- the retailer should be mandated to inform consumers that they are not to drive after consuming specific products
- the labels are tested with consumers for recognition and overall effectiveness

The following link provides a useful summary of effective drug driving warning labels


The AA also agrees that the driving warning should be displayed on the packaging and on any accompanying material (either inserted in the packaging or provided directly to the customer).

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

The AA believes that approved products packaging or logo (or material inserted into the packaging) should not in any way be seen to compromise or undermine road safety (e.g. images of “fast cars”)

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?
23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Signage should include the approved warning informing consumers not to drive after consuming an improved psychoactive product.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.
27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?
The AA believes that any approved product advertising should not in any way be seen to compromise or undermine road safety.

31 Should fees be set for other specific functions? If yes, please state what they should be set for.

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.
You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) Ben Young

Address: (street/box number) 
(town/city) 

Email: byoung@aa.co.nz

Organisation (if applicable): The New Zealand Automobile Association

Position (if applicable): Senior Adviser

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(Tick one box only in this section)

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☐ a person or body corporate intending to apply for a licence
☐ other (please specify): ........................................................................................................

Do you wish to receive updates about the development of the psychoactive substances regulations?

YES

(If yes, please make sure you provide an email address.)

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Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   
   If not, what else should be required, and why?
   
   I think a copy of ID (Passport, Drivers licence or 18+ card should be given as part of the Information required.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?

   Yes, if there is a LAPP in force then applications should show how they are complying with it. But also have a chance to show why they don’t comply with all the LAPP at that time. IE stuck in long term lease, Unavailability of Suitable shops and what they have done to try and meet all LAPP requirements.

   Also gives them a chance to show what measures they have done to comply with LAPP

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?

   Yes, if there is a LAPP in force then applications should show how they are complying with it. But also have a chance to show why they don’t comply with all the LAPP at that time. IE stuck in long term lease, Unavailability of Suitable shops and what they have done to try and meet all LAPP requirements.

   Also gives them a chance to show what measures they have done to comply with LAPP

4. Are the factors the Authority should take into account when determining whether a licence applicant is
a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:

- whether the applicant has been convicted of a relevant offence
- whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
- whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
- any other matter that the Authority considers relevant.

If you think these factors are not enough, please give examples of additional factors the Authority should consider.

That they speak fluent English and can explain the products in some detail, give advice and recommendations towards different products for desired effects.

Also give advice for harm reduction measures.

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

*No sounds like extra and unneeded information that won't be applicable to many people/shops.

6 What records should the regulations require licence holders to keep?

*For all but retail should be who got sold what product, how much and when (normal invoicing)

7 How long should licence holders be required to keep records for?
8 Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

* I think there should be an opening in the law to allow flexibility both ways, in some cases they might need slightly harsher rules where as for others maybe a little less restriction.

For example, I don't want to stock and sell drinks but I would love to give free water to my customers to encourage them to keep themselves hydrated.

I also think there needs to be flexibility in opening hours. We currently operate long hours and it works in very well with those who work night shift or shift work. As many do not want to leave it at home nor have it at work, but having flexible hours means they can stop in on there was hom from work.

9 Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

* Yes there are many things some of us retailers do that goes unseen, we run cameras systems down the street to keep an eye on what happening and to discourage beggars and / or under ages and others from hanging around and / or trying to get people to purchase for them from our shops. We also run an extra staff member when we are busy to stand outside and make sure there is no issues and to help prevent the products getting into the wrong hands.

* Also we limit the amount of stock that people can purchase to a “reasonable amount” for most people this is 5 products. We do have a couple of exemptions to the rule as we might only see then once a week as they live in areas with out current licence holders.

* We don’t have a display of products, we use a “menu” showing the name, price, dose and main ingredient’s used in the product. If you walk around my store you will not be able to tell we sell them unless you witness restocking or purchase of products.

10 Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

* No sounds like unneeded paperwork.
11 Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?

No

12 Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes if the products are shown to be of “low risk” then the company’s should be required to show this. But also if they are not found to be of “Low risk” then there should be strong scientific data and results to show this conclusion.

Not just anonymous data.

13 Do you agree with the proposal that the regulations require product approval applications to contain information and data on:

- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

Yes but given note that some people will abuse themselves on many different substances at one time and just blame the Psychoactive Substance as the others are possibly illegal or they have used the product in a very harmful way causing different issues to themselves that company’s could not possibility cover for.

14 Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

Yes please note, Plain packaging is a terrible idea on many fronts. There has already been issues (previous to this act) with people copying packaging and selling counterfeit products.
15 Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).

- No that's not enough.
- Do not consume if you have any mental illness, heart, lung or kidney problems.
- Information for overdose should be along the lines of sit down in a quiet place, relax and drink plenty of water and orange juice or another form of vitamin C.

16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

- Yes is sounds like you have most things covered.

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

- No, As with many product strength between users is very different.
- For example on cold and flu pills I only need to take one pill when dose is normally 2, yet my sister needs to take 4 to have the same effect.
- Psychoactive products are no different I think they should be sold in different levels of strength for example,
- Green being low dose for people with low tolerance or only after a mild effect.
- Orange for medium strength or for people with moderate tolerance.
- Red for higher strength for those with a higher tolerance.

- Should have different levels of Health warnings for example on the red you should have Not for 1st time users or for those who cannot control there dose.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

- No I think this would just lead to people purchasing more often or purchasing more at one time.
19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn't be allowed?

No I strongly believe that the form should remain open. as the packaging, location of sale and health warning would mean that people should know what they were purchasing or about to use.

Personal responsibility on the individual as to come into play and who is to say that ingesting food isn't a great low risk method? I know they are using it with medical marijuana in the USA.

Smokeable products
There are different ways you can lower the harm caused by smoking, a few would be using a vaporiser type product, another is using water to filter the smoke, such as a water pipe. Also known as a "bong" to many people. They come in many different forms, shapes sizes and filtering options.

This is New Zealand we really are a smoking nation.

20 Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

No, I think that with the nature of high value products, Storage and Security is tight throughout the industry.

21 Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

*No
22 Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

Yes, they should be discrete.

23 Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?

No, sounds like this is already covered in law.

24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

No, I think that signage is advertising and is not needed. The less signs the better. The retailers know about them being R18 etc I don't think you need a sign to state this.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

No, I think that the NZ wide law should be left open and the law should be aligned with other products like Alcohol and Tobacco sales who don't need to prove to be of Low Risk.
26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.

Yes they should be the same as Alcohol

27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

Are these not covered by regulations already in place I.e R18 sales?

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

Yes they should be the same as Alcohol

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.

Yes I think that different licences should have different fee amounts.
30 Do you support a fixed fee or an hourly charge for processing applications for product approvals?

I think a fixed fee is better than hourly rates. At least then everyone knows where they stand.

31 Should fees be set for other specific functions? If yes, please state what they should be set for.

No

32 Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.

No, I think fees over levies is much easier to follow and understand.
You do not have to answer all the questions or provide personal information if you do not want to.

This submission was completed by: (name) _______________________________________
Address: (street/box number) _______________________________________________
(town/city) ___________________________________________________________________
Email: _______________________________________________________________________
Organisation (if applicable): ___________________________________________________________________
Position (if applicable): ______________________________________________________________________

Are you submitting this:
(Tick one box only in this section)
as an interim licence holder ______

Do you wish to receive updates about the development of the psychoactive substances regulations?

Yes ______

I do not give permission for my personal details to be released under the Official Information Act 1982. (Tick) C
17 March 2014

The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
Wellington 6145

Email: psychoactives@moh.govt.nz

Psychoactive Substances Regulations: a consultation document

The New Zealand Law Society (Law Society) appreciates the opportunity to comment on the Discussion Document on proposals for regulations under the Psychoactive Substances Act 2013 (February 2014).

The Law Society’s Health Law Committee considered the proposals for regulations and noted that it is clear many of the concepts and structures appropriately reflect other relevant legislation, such as the Medicines Act, Misuse of Drugs Act and regulations, and the Natural Health and Supplementary Products Bill.

The Law Society’s comments are attached. If you wish to discuss the comments, please do not hesitate to contact the Health Law Committee convenor, Alison Douglass, through the committee secretary Jo Holland (04 463 2967, jo.holland@lawsociety.org.nz).

Yours faithfully

Chris Moore
President
Consultation questions

1. Is the list of proposed information requirements for licence applications comprehensive enough?
   
   If not, what else should be required, and why?
   
   There does not seem to be any attention given to the information required from corporate applicants. It is likely that applicants will, for the most part, be incorporated companies. There therefore needs to be carefully drafted disclosure obligations on the directors and all shareholders of such companies.

2. Should retail licence applications be accompanied by evidence of compliance with a local approved products policy if one is in effect in the applicant’s area?
   
   Yes

3. Should retail licence applications be accompanied by evidence of compliance with a generic local approved products policy if no policy is in effect in the applicant’s area?
   
   Yes

4. Are the factors the Authority should take into account when determining whether a licence applicant is a fit and proper person or whether a body corporate is of good repute in section 16(2) enough? The section 16(2) factors are:
   
   - whether the applicant has been convicted of a relevant offence
   - whether there has been a serious or repeated failure by the applicant to comply with any requirement of the Act
   - whether there are other grounds for considering that the applicant is likely to fail to comply with any requirement of the Act
   - any other matter that the Authority considers relevant.
If you think these factors are not enough, please give examples of additional factors the Authority should consider.

The focus is on the applicant in order to determine whether the individual applicant or the body corporate is of good repute. Again, to be effective, this requires clear disclosure obligations upon all shareholders and all directors of the body corporate.

In addition, a grant of licences under s51 Medicines Act 1981 requires that every person proposed to be a responsible person for the purposes of a licence applied for has a sufficient knowledge of the obligations of a licensee and of the hazards associated with the products in which it is proposed to deal. This knowledge of obligations and hazards should be included in the assessment of whether a person or body corporate meets the fit and proper person test.

5 Should the regulations require applicants to provide details of their involvement in other regulatory regimes, such as alcohol licensing processes?

Yes. This should also include involvement in any medicine-related licensing processes or any involvement in products covered by the Natural Health Products and Supplementary Products Bill.

6 What records should the regulations require licence holders to keep?

Consideration needs to be given to the permitted form in which records may be held, and in particular whether an electronic record may be permitted. In this regard it is noted that a sale of medicines register pursuant to the Medicines Regulations 1984 (Regulation 54A) may be recorded and kept electronically whereas, by comparison, a controlled drug register (Misuse of Drugs Regulations 1977 Regulation 39) is required to be kept as a physical record.

Attention will also need to be given to records of disposal of any psychoactive substance or product.

7 How long should licence holders be required to keep records for?

Entries in a controlled drugs register are required to be kept for 4 years (Regulation 42 Misuse of Drugs Regulations 1977) but this is overlaid by the general requirement to retain health information for 10 years in accordance with the Health (Retention of Health Information) Regulations 1996. Accordingly 10 years would seem to be a reasonable period for which records should be retained.
Do you think there are factors or issues that the Authority should consider when setting discretionary conditions? If so, please provide details.

Other factors to be considered with regard to discretionary conditions may include:

- Security of storage of the psychoactive products on the premises. (e.g. out of reach of young children so as to prohibit ready access or a sale without supervision).
- Requirement for responsible persons to be named on the licence (in the same manner as is required for responsible persons to be name for a pharmacy licence under the Medicines Act).
- Whether there is a minimum height at which products must be stored.
- Whether there would be restrictions or a prohibition on sale by vending machine.

Should the regulations prescribe other matters the Authority must take into account when deciding on an application? If yes, what should these matters be?

Whether any director or shareholder of the applicant or any person having an interest in the applicant (where that is a body corporate) has failed to comply with these licensing requirements for any other body corporate in which they hold an interest.

Do you agree a product approval application should include information on proposed manufacturing methods and how they will comply with the Psychoactive Substances Code of Manufacturing Practice?

Yes

Do you think any further particulars, information, documents or other material should be prescribed in the regulations? If yes, what should these be?
12. Do you agree with the proposal that the regulations require applications to contain information and data on the toxicity, pharmacology and related clinical effects of the psychoactive substance they are seeking approval for?

Yes, plus information and data on safety of the substance. The Psychoactive Substances Regulatory Authority is responsible for ensuring products meet adequate safety requirements before they can be distributed, so it would make sense that information about safety should be provided with the application.

13. Do you agree with the proposal that the regulations require product approval applications to contain information and data on:
- the psychoactive potential and related behavioural effects of the substance
- the addictive potential
- the proposed directions for use
- previous use, including use in clinical trials and in the wider population?

As for question 12.

14. Are the proposed requirements and restrictions on labelling sufficient? If not, please make specific suggestions for further requirements and restrictions.

Yes

15. Are the proposed requirements relating to health warnings sufficient? If not, please make specific suggestions for further requirements (for example, advice on what to do in the case of an overdose).
16 Are the proposed packaging requirements and restrictions sufficient? If not, please make specific suggestions for further requirements.

Limitation on pack sizes e.g. limiting pack sizes to 1 dose (although this may be sufficiently covered by the imposition of quantity and dose requirements)

17 Do you agree with the proposal to restrict a packet to one dose? Please give reasons for your answer.

18 Do you agree with the proposal that a dose, in whatever form the product takes, is split wherever possible?

19 Do you think there should be restrictions on the form products can take? If so, what forms do you think should and shouldn’t be allowed?
Injectables should not be permitted due to the risk of that mode of delivery.

20. Do you think there should be restrictions or requirements on the storage of psychoactive substances? If so, what should the restrictions or requirements be?

See comments above in response to question 8

21. Do you think restrictions or requirements should be set for the storage of approved products? If so, what should they be?

22. Do you think restrictions or requirements should be set regarding the display of approved products? If so, what should they be?

There should be restrictions on the display of approved products such as advertising in shop windows and prominent displays on the counter etc – similar to the restrictions on the display of tobacco products.

23. Do you think restrictions or requirements should be set regarding the disposal of approved products? If so, what should they be?
24 Do you think there should be signage requirements in the regulations? If so, please give specific suggestions.

Signage should not be permitted to encourage excessive use such as through special or discounted prices, “buy one get one free” type promotions or “gift with purchase” type promotions.

25 Do you think the regulations should specify further places where approved products may not be sold? If so, please provide specific suggestions.

Petrol stations (which have similarities, in many cases, to dairies and convenience stores which are to be a prohibited place of sale) and pharmacies due to creating a false appearance of validity, safety and therapeutic use.

26 Do you think the regulations should prescribe restrictions or requirements for advertisements of approved products? If so, please provide specific suggestions.
It is appropriate for there to be a requirement that any advertisement must be consistent with the Advertising Standard Authority’s Advertising Code of Ethics.

However, medicines (as governed by the Medicines Act 1981) and controlled drugs (as governed by the Misuse of Drugs Act 1975) and Natural Health Products as proposed to be regulated under the Natural Health and Supplementary Products Bill, nevertheless contain specific restrictions on advertisements and prescribe requirements that must be met by advertisements.

For example advertisements for approved medicines are required to contain information about active ingredients, approved uses, certain warnings etc. It would seem inappropriate for advertisements for psychoactive substances to be less rigorously controlled. In particular there should be restrictions on any therapeutic claims in advertisements and requirements for appropriate warnings to be included.

There should be restrictions on bulk purchases or special deals (e.g. two for the price of one) or on gifts with purchase. These restrictions are similar to those that have been in place for a considerable period of time with regard to restrictions on the advertising of medicines to prevent inappropriate or excessive use.

27 Do you think the regulations should prescribe restrictions or requirements on internet sales of approved products? If so, please provide specific suggestions.

The restrictions applicable to internet sales should be such that a person purchasing a product via the internet is in receipt of the equivalent level of information and subject to the same restrictions (in terms of age of seller and of age of purchaser for example) as would occur in a face to face sale such that the standards are not reduced in an online sale and purchase.

It should also not be possible to purchase more than one package per transaction.

28 Do you think the regulations should prescribe restrictions or requirements on the advertising of approved products? If so, please provide specific suggestions.

29 Do you agree with the proposed fees for the different licences? If not, please provide specific suggestions.
30. Do you support a fixed fee or an hourly charge for processing applications for product approvals?

31. Should fees be set for other specific functions? If yes, please state what they should be set for.

32. Do you agree with the proposed list of items and process for setting levies? If not, please provide specific suggestions.
This submission was completed by: New Zealand Law Society, Chris Moore (President)

Address: (street/box number) PO Box 5041, Lambton Quay
(town/city) Wellington 6145

Email: c/- Jo.holland@lawsociety.org.nz

Are you submitting this:
(Tick one box only in this section)
☐ as an interim licence holder
☐ a person or body corporate intending to apply for a licence
☒ other (please specify): Public interest consultee

Do you wish to receive updates about the development of the psychoactive substances regulations?
☐ Yes

(If yes, please make sure you provide an email address.)

Your submission may be requested under the Official Information Act 1982. If this happens, the Ministry of Health will release your submission to the person who requested it. However, if you are submitting as an individual (rather than representing an organisation), the Ministry will remove your personal details from the submission if you tick the following boxes.

☐ I do not give permission for my personal details to be released under the Official Information Act 1982.

☐ I do not give permission for my name to be listed in the published summary of submissions.
13 March 2014

The Manager
Psychoactive Substances Regulatory Authority
Ministry of Health
PO Box 5013
Wellington

By email: psychoactives@moh.govt.nz

Dear Sir,

Re: Psychoactive Substances Regulations: A Consultation Document
Submission Date: 21 March 2014

INTRODUCTION

Wanganui District Council welcomes the release of this consultation document as the issue of psychoactive substances is one of much interest and concern within our community. We thank the Ministry of Health for providing this opportunity to comment on and provide input into the development of the psychoactive substances regulations.

This consultation document covers a broad range of areas such as manufacturing and importation which are outside the focus of Council’s with respect to the legislation. Accordingly, Wanganui District Council’s submission is specific to issues pertinent to Council focus.

SUBMISSION

- Licence Applications

Wanganui District Council supports the proposed requirements for identification information and favours the introduction of a requirement that licence holders must keep the Psychoactive Substances Regulatory (‘Authority’) informed of any changes with respect to their contact details. Further, Wanganui District Council believes that as part of the ‘fit and proper person’ test there is a need for the Authority or its Agent to consult with local councils to ascertain what information the local council may have with respect to those individuals and other licences they may previously have held. Wanganui District Council firmly believes that all retail licence applicants should as part of the application be required to advise the Authority of all relevant information with respect to such licences previously held.

Wanganui District Council supports the proposal that all retail licence applications be accompanied with evidence confirming that the licence application complies with the Local Approved Products Policy (‘LAPP’). Such confirmatory evidence to be in the form of a letter from the local Medical Officer of Health.
Compliance with Local Approved Products Policy

Wanganui District Council recommends that all interim licences be subject to a Council’s LAPP. Further, as a Council we support the development of a default/generic LAPP to be used for localities where no LAPP has been developed which retail licence applications would be required to comply with.

Changing premises

Wanganui District Council supports the development of a mechanism which will deal with the potential relocation of licenced retail premises in the event that a retailer’s premises no longer comply with the LAPP.

Display of licence

Wanganui District Council recommends that all retail premises licenced to sell psychoactive substances be required to display their licence at all times. Furthermore, in the event that a retailer is also intending to sell products via the internet this should be specified on the licence.

Discretionary conditions

Wanganui District Council believes that there should be a limit imposed on a retailer as to the amount of psychoactive substances products allowed to be stored on their premises at any one time; and that there should be a limit imposed as to the maximum amount of any cumulative amount of product(s) sold at any one time to an individual customer.

Further, Wanganui District Council supports regulating/restricting the hours when psychoactive substances may be sold.

Wanganui District Council also advocates the creation of some form of sales tax. Such a sales tax to be imposed on each transaction, a percentage of which should be passed back to the community to counter the social and health costs associated with the use of psychoactive substances.

Advertising

Wanganui District Council believes that it is important that the packaging of psychoactive substances be kept plain and non-descript with a health warning contained upon each packet containing the following information – active ingredients, amounts, maximum dosage and telephone number for the National Poisons Centre.

CONCLUSION

As a Council we are concerned about misunderstanding within our community with respect to the enforcement provisions within the Psychoactive Substances Act (‘Act’). Many people within our community do not realise that Council’s ability to regulate the sale of psychoactive substances within our community is limited to regulating the location of such retailers through a Local Approved Products Policy. Wanganui District Council would support a
Ministry of Health initiative to raise awareness within communities as to the roles of the respective agencies who deal with the regulation of psychoactive substances.

This submission has been endorsed by the Wanganui District Council at its meeting on Monday 10 March 2014.

Kevin Ross  
Chief Executive  
Wanganui District Council  
Wanganui 4500  
Telephone: 06 3490001  
Email: kevin.ross@wanganui.govt.nz

If you require any clarification or additional information please contact Ceinwyn Bannister, Policy Advisor, telephone 06 3490001 or by email ceinwyn.bannister@wanganui.govt.nz