



## Local Approved Products Policy (LAPP)

### Introduction

The Psychoactive Substances Act came into effect in July 2013. The purpose of the Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use these substances.

The Act gives local authorities the discretion to establish a "local approved products policy" (LAPP).

A LAPP can establish restrictions around the number and location of premises from which products approved by the Ministry of Health may be sold. Councils cannot create a LAPP that would result in an outright ban across the area.

### Purpose of the Policy

The purpose of Upper Hutt City Council's Local Approved Products Policy is:

- To ensure that Council and the community have influence over the location and density of retailers of approved products in Upper Hutt City by providing a guide for the Psychoactive Substances Regulatory Authority when it considers licence applications.
- To support the purpose and intent of the Psychoactive Substances Act 2013, to protect the health and minimise the harm to individuals who wish to use approved products.
- To minimise the potential for adverse effects from the sale of psychoactive substances in residential areas and other inappropriate locations.

### Content of the Policy

A local approved products policy may include policies on one or more of the following matters:

1. the location of premises from which approved products may be sold by reference to broad areas within the district:
2. the location from which approved products may be sold by reference to proximity to other premises from which approved products are sold within the district:
3. the location of premises from which approved products may be sold by reference to proximity to premises or facilities of a particular kind or kinds within the district (for example, kindergartens, early childhood centres, schools, places of worship, or other community facilities).

### Important Facts:

- Psychoactive products approved by the Ministry of Health are legal product.
- The regulation of premises selling approved products (including the location) is enforced by the NZ Police and the Ministry of Health

- Licences will be issued by the Psychoactive Substance Regulatory Authority
- Council has no role in issuing of licences or enforcement
- Under the Act Council is unable to ban the sale of psychoactive products
- In May 2014, The Psychoactive Substance Amendment Act came into effect. The effect of the Amendment Act was that all interim product approvals and all interim licences were revoked with immediate effect.
- The Ministry of Health is now assessing products that have a “low risk of harm”

### **Location of premises from which approved products may be sold**

1. The location of premises from which approved products may be sold by reference to areas within the district is as follows:

*Premises from which approved products may be sold must be located in Main Street in the Upper Hutt CBD and be no closer than **300 meters** from another premise from which approved products are sold.*

2. Proximity to Sensitive sites

*The principle entrance of a premise from which approved products may be sold must not be located within **50 meters** of the principle entrance of any of the following facilities:*

- *Educational facility*
- *Place of worship*
- *Community Facility*
- *Licensed early childhood centre*

3. Requirements for premises from which approved products may be sold are:

- *It is mandatory for licenced premises to install an approved CCTV camera that is connected to the Council Central Business District camera network*
- *Adequate external lighting, as approved by Upper Hutt City Council, is installed to ensure that any CCTV footage is clearly visible at night.*

### **Review**

The Psychoactive Substances Act requires the Council to review this LAPP every 5 years. As this is a new policy with little local evidence of harm available at this point; the Council proposes to review the effectiveness of the LAPP in three years.