

# The New Psychoactive Substances Regime in New Zealand: A different approach to regulation

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**May 2014**

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## Pre 2013 Psychoactive Substances Regulation in New Zealand

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### Misuse of Drugs Act 1975

Substances prohibited according to risk of harm.

Substances such as methamphetamine, ecstasy, cannabis

### Medicines Act 1981

Controls on prescription and non prescription medicine

### Smoke-free Environments Act 1990

Age and other sales restrictions on tobacco and other smoking products

### Sale and Supply of Alcohol Act 2012

Age and other sales restrictions

# Psychoactive Substances Act 2013

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**To regulate the  
availability of  
psychoactive substances  
in NZ to protect the  
health and minimise  
harm to users of  
psychoactive products**

**Fundamentally**



**Providing  
controlled access  
to low risk  
psychoactive  
products**

# Immediate impact of Act

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- Made all psychoactive substances illegal unless approved by the PSRA
  - Made it an offence for anyone to sell non-approved products from anywhere
  - Made it an offence to sell or supply approved products to under 18 year olds
  - Made it an offence for under 18 year olds to possess psychoactive products
  - Specified the places from which products could not be sold (such as corner stores, convenience stores, liquor outlets, petrol stations)
  - Strict controls on advertising, product labelling and storage
  - Required a Code of Manufacturing Practice within 6 months.
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# Psychoactive Substances Act Permanent Regime

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- Changed the onus of proof. Requires product applicants to show that their product poses no more than a low risk of harm.
  - Established Psychoactive Substances Regulatory Authority (PSRA) as decision-maker and enforcement body
  - Psychoactive Substances Expert Advisory Committee to evaluate product applications and advise the Authority on risks of harm from a product
  - Enables local councils to develop policies on where retail outlets can be located within the council area
  - Provides for regulations to be made which would:
    - ❖ specify the information that product applicants needed to provide
    - ❖ specify requirements for labelling, advertising, containers
    - ❖ specify the form that a product can be manufactured
    - ❖ Require compliance with a Code of Manufacturing Practice
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## Transitional period (introduced upon enactment in July 2013)

**Act brought in quickly due to accessibility and use by minors but before permanent regime established**

- Interim product approved if products sold for 3 months before Act
- Interim licensing if participants in the business 28 days before Act

### Products

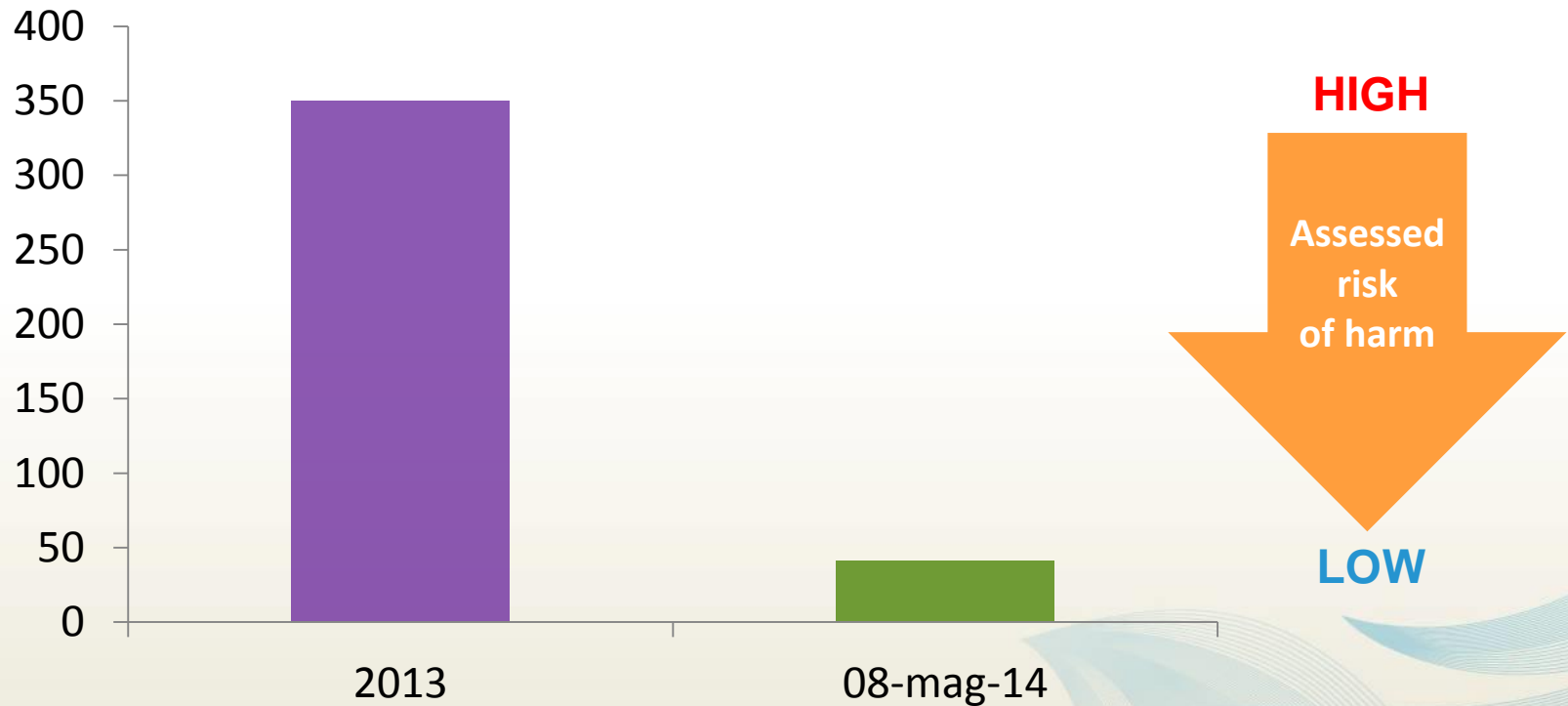
- Pre-Act 200-300 products sold
- Using post-market ADR risk scoring 47 interim product approvals (from 63 applications) issued –mainly smokable SC products
- Subsequently revoked 11 products due to ADR reporting

### Licences

- Pre-Act anyone could import, manufacture or sell substances or products
- Authority licensed 153 retailers, 25 wholesalers, 10 importers, 11 manufacturers
- Revoked manufacturing licences due to non-compliance with CMP

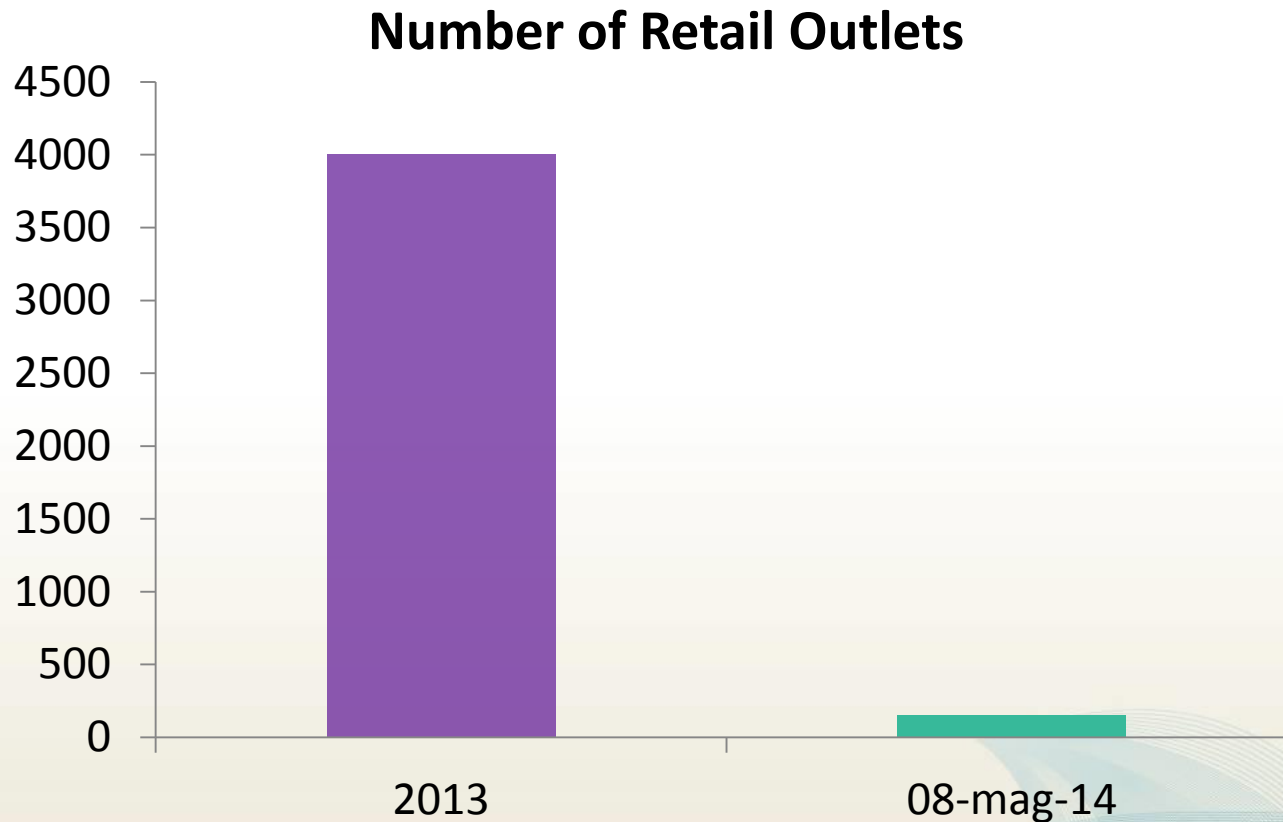
# Interim approved products

## Number of Products on Market



Reduction of over 75%

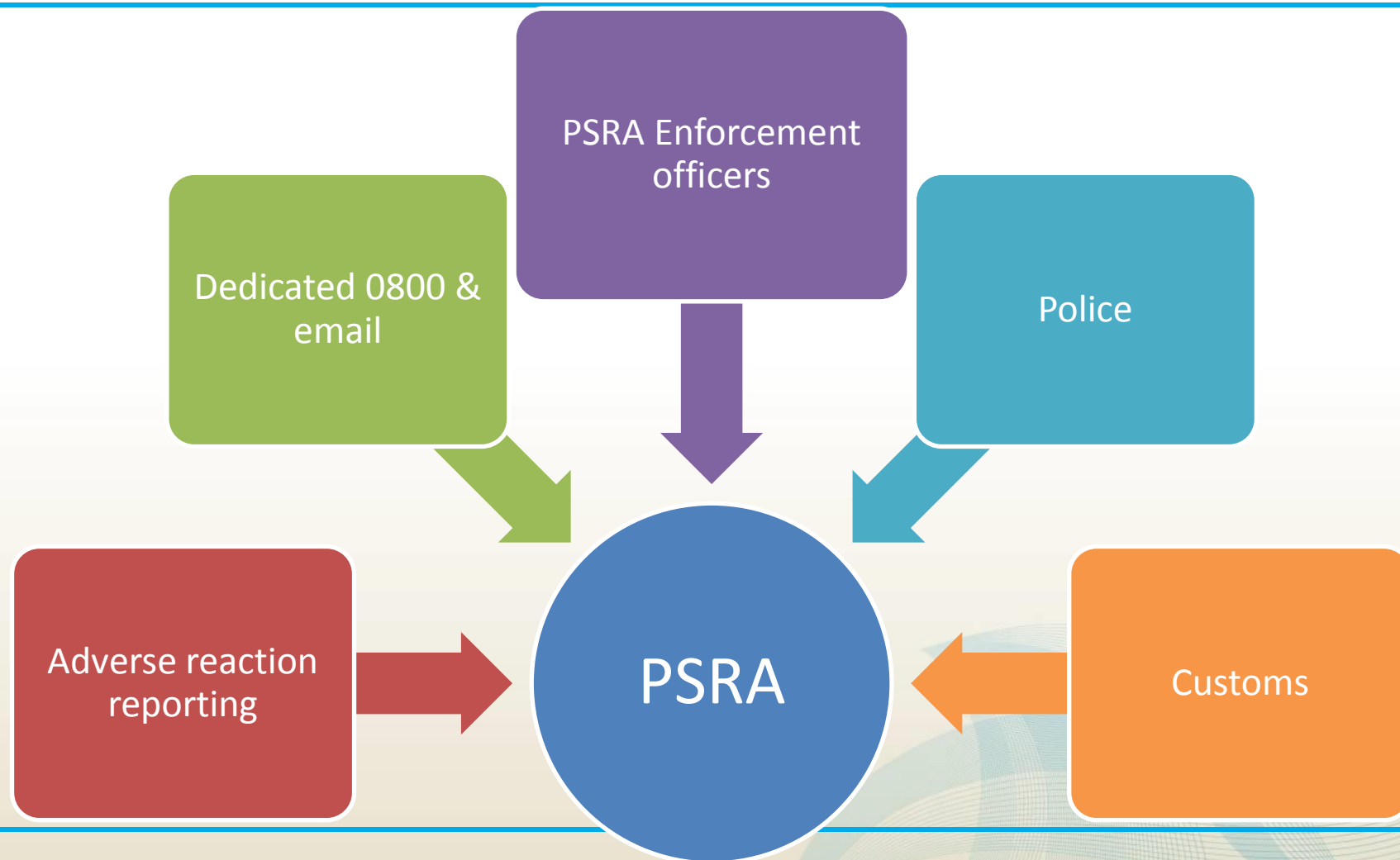
# The interim retail market



Estimated 95% reduction



# Enforcement / compliance / reporting



# Code of Manufacturing Practice

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Sets safety standards for manufacture

- No more 'garage' manufacturers

Provides transparency

- All manufacturers must hold a licence → traceability

Penalties for offences

- Including loss of licence

Introduced in Jan 2014

- Compliance assessment underway

*As of April 2014 all licences to manufacture were suspended due to non compliance*

## Progress since implementation

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- Anecdotal reports from emergency and mental health departments around the country indicate improvement in presentations
  - Adverse reaction reporting shows a decline in both the number of adverse effects, and severity
  - Police report the Act is working well – making psychoactive drug use more visible and easier to monitor and manage
  - All manufacturing licences suspend or revoked as result of non-compliance with CMP
  - Significant public outrage at community level with concentration of retail outlets – concerns that “synthetic cannabis legal highs” are more addictive than cannabis
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# What's happened...

Retail outlets from 4000+ to 153

Product numbers from >300 to 36

Outlets  
concentrated

Products legitimised  
'legal highs'

High demand for products  
3.5 million packets in 6 mths

Poor public understanding of Act's purpose  
Public concern about "new risks"

Public concerns  
about products

Government  
Legislation

Public concerns  
about retail  
outlets

**Psychoactive Substances Amendment Act 2014**

# **Psychoactive Substances Amendment Act 2014**

## **8 May 2014**

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**All interim  
approved  
products  
revoked  
and  
recalled**



**All interim  
licences  
to sell by  
retail and  
wholesale  
revoked**

**New products cannot be tested on animals to  
determine risk of harm**

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# Challenges

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- Take other agencies with you
    - ❖ Local councils– able to regulate retail locations but most felt left out of decision-making
    - ❖ Some councils made transitional provisions in Act practically unworkable (created effective bans)
  - Keep any transitional period short, if at all
  - Relay the good news
    - ❖ Positive stories from hospitals and Police not heard
    - ❖ International support by drug policy community and academics not heard by public
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## Learnings....

# Good communication is the key

Communicate with influential stakeholders and public  
before the Act

What is the problem, why is this the best solution, what's going to happen

Careful with terminology

Use of term 'legal highs' gives impression all highs are legal

Reporting of legacy issues

Symptoms from pre-Act use attributed to approved products



TVNZ.co.nz

Banned substances used as visual  
representation of legal highs