



Psychoactive Substances Amendment Regulations 2016

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 21st day of March 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 101 of the Psychoactive Substances Act 2013—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Health made after meeting the requirement in section 101(2) of the Psychoactive Substances Act 2013.

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Regulations

1 Title

These regulations are the Psychoactive Substances Amendment Regulations 2016.

2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

3 Principal regulations

These regulations amend the Psychoactive Substances Regulations 2014 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

In regulation 3(1), insert in its appropriate alphabetical order:

URL means a World Wide Web uniform resource locator

5 New regulation 3A and cross-heading inserted

After regulation 3, insert:

Application for licence

3A Application for licence to sell approved products

An application for a licence to sell an approved product made under section 13(1)(e) or (f) of the Act must include the following information:

- (a) the full name and date of birth of the applicant; and
- (b) the address and other contact details of the applicant; and
- (c) the address of all premises from which the approved products may be sold (unless products are to be sold from those premises only by Internet sale); and
- (d) the URL of any Internet site from which the approved products may be offered by Internet sale; and
- (e) evidence of the applicant's identity; and
- (f) written consent allowing a Police vet of—
 - (i) the applicant (unless subparagraph (ii) or (iii) applies); or
 - (ii) if the application is being made by a body corporate, the directors of the body corporate; or
 - (iii) if the application is being made in respect of a trust, the trustees of the trust; and

- (g) a statutory declaration that the applicant meets all of the requirements of the Act and these regulations.

6 New regulation 7A inserted (Internet sale of approved products)

After regulation 7, insert:

7A Internet sale of approved products

Any retailer who offers approved products by Internet sale must, on the Internet site from which the offer is made,—

- (a) display, in a prominent place,—
 - (i) the licence holder's name; and
 - (ii) the licence number; and
 - (iii) the date on which the licence expires; and
 - (iv) either a legible image of the licence or a clearly identified link to such an image; and
- (b) require any prospective purchaser to declare, by ticking an on-screen box, that he or she is 18 years of age or over; and
- (c) if the prospective purchaser is purchasing an approved product for the purpose of providing the approved product to another person (**person B**), require the prospective purchaser to declare, by ticking an on-screen box, that person B is 18 years of age or over; and
- (d) require the prospective purchaser to make the declarations required by paragraphs (b) and (c)—
 - (i) when the prospective purchaser first enters the Internet site; and
 - (ii) immediately before the sale of any approved substance is completed.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations come into force on the 28th day after the date of their notification in the *Gazette* and amend the Psychoactive Substances Regulations 2014 by inserting *new regulations 3A and 7A* and a related definition.

The new provisions specify the information that must be included with an application for a licence to sell an approved product under section 13(1)(e) and (f) of the Psychoactive Substances Act 2013 and set out the requirements for Internet sales that sup-

port the prohibitions under the Act on selling approved products to persons under 18 years of age.

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement on 24 June 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these regulatory impact statements can be found at—

- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-moh-psr-jul14.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 24 March 2016.

These regulations are administered by the Ministry of Health.