

# Retail sale of approved psychoactive products

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## Summary of your responsibilities for selling approved psychoactive products

In addition to complying with any licence conditions, the following is a summary of your main responsibilities under the Psychoactive Substances Act 2013 (the Act) and Psychoactive Substances Regulations 2014 (the Regulations).

### Age requirements: sections 49 and 51 of the Act

- Approved products can only be sold to persons over 18 years of age.
- Staff selling approved products must be over 18 years of age.

### Maximum sale: Regulation 6

- No more than two approved products (the same or different products) can be sold at any one time.
- The same person must not be served more than once a day.

### Storage of products: Regulation 10

Approved products must be stored and displayed securely while they are in your possession.

### Display of products: Regulation 11

Products must only be displayed inside your premises and in a manner so that they are not visible from outside your premises.

### Labelling of products: sections 8 and 26 of the Act

You must not package, label or over-label any psychoactive product unless you hold a licence to manufacture psychoactive substances.

### Adverse reactions: section 98 of the Act

If you receive any reports of adverse reactions from users of approved products you need to notify the Psychoactive Substances Regulatory Authority (the Authority) of the:

- name of the approved product
- nature of the adverse reaction
- circumstance in which the adverse reaction arose.

**Contact the Authority as soon as possible via the psychoactives inbox at: [psychoactives@moh.govt.nz](mailto:psychoactives@moh.govt.nz)**

### Records of sale: Regulation 12

You must keep:

- a record of every sale of any approved product, including a description of the product and the price for which it was sold
- a register which contains a record of every transaction with another licence holder (such as a wholesaler), including dates of transaction and the licence holder's licence number
- these records for a period of seven years after the date of the last entry made in respect of the record.

## **Stocktake:** Regulation 13 and 14

- On the 30 June and 31 December each year you must record the:
  - actual stock of all approved products in your possession on that date
  - quantity of any one or more psychoactive substances contained within each approved product.
- Within 14 days after the 30 June and 31 December you must prepare a stocktake report covering the period since the last date of the stocktake. Any variation between the calculated and actual balance of stock must be explained.
- The stocktake report must be provided to the Authority via the psychoactives email address by 21 July and 21 January each year.

## **Product recall:** section 88 of the Act

Should the Authority revoke an approved product approval you will be sent a product recall order. The order will require you to take certain actions, such as ceasing sale of the product and sending it back to suppliers within a set period of time, and provision of inventory records to the Authority.

**The above is a snapshot only of the main requirements under the Act. You need to familiarise yourself with the legislation as it applies to you.** More information can be found on the Authority's website at: <http://psychoactives.health.govt.nz/>.

**Compliance and enforcement visits:** You will be visited by a public health unit staff member who is there to assist you and your staff meet regulatory requirements.

If you are not meeting your responsibilities, or if the Authority has received a complaint, this information will be forwarded to an enforcement officer for action. Under sections 77 to 81 of the Act a Ministry of Health psychoactive substances enforcement officer can:

- enter and search your retail premises at any reasonable time and carry out an inspection to determine whether you are complying with the provisions of the legislation and the conditions of your retail licence
- demand information if they think that you or your staff is selling approved products to people under 18 years of age
- inspect the records of sale and the register for an approved product. The enforcement officer can also make copies of these documents.

An enforcement officer may also inspect your premises following the grant of a retail licence, for renewal of a licence, as result of suspension and/or cancellation of a retail licence, or for a product recall.

## **Action taken when you don't comply**

If you are not complying with regulatory requirements then:

- you may receive a non-compliance letter requiring you to take corrective action
- you may be revisited by an enforcement officer
- your licence may be suspended/cancelled and/or not renewed by the Authority
- you may face prosecution by the Authority for offences under the Act.

## **More information**

If you have any questions contact the Authority at: [psychoactives@moh.govt.nz](mailto:psychoactives@moh.govt.nz).



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