



Misuse of Drugs (Restricted Substances) Regulations 2008

Anand Satyanand, Governor-General

Order in Council

At Wellington this 6th day of October 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 62 of the Misuse of Drugs Amendment Act 2005, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Misuse of Drugs (Restricted Substances) Regulations 2008.

2 Commencement

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

Place of sale or supply restrictions

3 Restrictions on place of sale or supply

A restricted substance must not be sold or supplied from any of the following:

- (a) premises where alcohol is sold or supplied to the public;
- (b) premises where petrol is sold to the public;
- (c) non-fixed premises, including, but not limited to, vehicles, tents, and mobile street carts;
- (d) places where children or minors gather, including, but not limited to, schools, recreational facilities, and sports facilities.

Advertising restrictions

4 Restrictions on advertising

(1) Advertising for a restricted substance—

- (a) may appear only in premises where a restricted substance is sold or supplied; and

- (b) must be confined to the inside of the premises; and
 - (c) must not be easily visible or audible from outside the premises.
- (2) Nothing in this regulation applies to the advertising of a restricted substance on the Internet.

Labelling requirements

5 Labels to contain certain information

- (1) A restricted substance that is sold or supplied must include on the label—
- (a) the contact details of the manufacturer or seller; and
 - (b) the phone number of the National Poisons Centre information service.
- (2) A restricted substance that is sold or supplied must include, in a prominent position on the label,—
- (a) words identifying the restricted substance and indicating that it is a restricted substance under the Misuse of Drugs Amendment Act 2005; and
 - (b) the following words: “It is illegal to sell or supply a restricted substance to any person under the age of 18. Do not drive a vehicle or operate machinery after consuming a restricted substance. Do not consume with other drugs, alcohol, or medicines.”

Packaging requirements

6 Restricted substances to be packaged in tamper-proof and child-proof containers

A restricted substance that is sold by retail, or supplied in circumstances corresponding to retail sale, must be packaged in a container that is—

- (a) tamper proof; and
- (b) reasonably resistant to attempts by young children to open it.

Signage requirements

- 7 Sign to be displayed when restricted substances are sold**
- (1) When a restricted substance is sold, a sign containing the following statement must be prominently displayed: “It is illegal to sell or supply a restricted substance to any person under the age of 18.”
 - (2) If the restricted substance is sold or supplied from premises, the sign—
 - (a) must be confined to the inside of the premises; and
 - (b) must not be easily visible from outside the premises.
 - (3) This regulation does not apply to an Internet site from which a restricted substance is sold.

Storage and display restrictions

- 8 Storage and display in premises of restricted substances for sale or supply**
- A restricted substance that is stored or displayed in premises for the purposes of sale or supply—
- (a) must be stored or displayed where it cannot be accessed by the public (for example, behind a counter); and
 - (b) must not be visible from outside the premises.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

The Misuse of Drugs Amendment Act 2005 (**the Act**) created a regime for regulating restricted substances. Restricted substances are psychoactive drugs that are considered to be of low risk but still in need of some regulation. Part 3 of the Act established a limited number of controls for restricted substances, including a minimum purchase age of 18 years and prohibitions on free-of-charge distribu-

tion and the advertisement of restricted substances in certain media. Section 62 of the Act allowed for wider controls to be implemented through regulation.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, place further controls on the places from which restricted substances can be sold or supplied, the signage that must be displayed, and the advertising, labelling, packaging, and storage of restricted substances.

Currently, there are no restricted substances. These regulations are made in anticipation of 1 or more restricted substances being listed in Schedule 4 of the Act under the authority of section 33 of the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 9 October 2008.

These regulations are administered by the Ministry of Health.
