

**Reprint
as at 18 July 2013**



Misuse of Drugs (Restricted Substances) Regulations 2008

(SR 2008/373)

Misuse of Drugs (Restricted Substances) Regulations 2008: revoked, on 18 July 2013, by section 110(2) of the Psychoactive Substances Act 2013 (2013 No 53).

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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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Health.

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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 distribution 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.

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Notes**1 General**

This is a reprint of the Misuse of Drugs (Restricted Substances) Regulations 2008. The reprint incorporates all the amendments to the regulations as at 18 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Psychoactive Substances Act 2013 (2013 No 53): section 110(2)
