



Drugs in bars: A guide for licensees

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The contents of this publication can also be found online at drugfoundation.org.nz

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Introduction

The opinion of New Zealanders about substance use is changing. The black and white view that alcohol is 'good' and drugs are 'bad' is giving way to the acknowledgement that people use a range of substances for a variety of reasons, and that all can be harmful.

There is a moral and legal obligation on licensees and managers to be responsible hosts to all customers. Failure to address the full spectrum of substance issues exposes customers to various kinds of harm. These include injury from overdose or unsafe use, availability of harmful and potentially adulterated substances, and the sometimes-associated risk of abuse, assault or sexual assault. Allowed to continue, such issues attract the attention of Police which could jeopardise your licence.

This information for licensees and managers explains how to reduce substance related problems through comprehensive policies, processes, responses and training.



Know the law

- The Sale and Supply of Alcohol Act 2012 prohibits licensees or managers from serving people intoxicated by psychoactive substances as well as alcohol. The Act's definition of intoxication makes this explicit. Intoxication is being observably affected by alcohol, *other drugs and/or substances*.
- The Misuse of Drugs Act 1975 (MoDA) classifies common psychoactive substances other than alcohol and tobacco as 'controlled drugs' and makes them illegal.
- The Psychoactive Substances Act 2012 was to allow the legal production and sale of approved psychoactive substances (but not on licensed premises). For various reasons, no products were approved. This means the sale and use of any new psychoactive substance not classified under MoDA is illegal.

Meaning of substance

For the purposes of this resource, substance means anything capable of inducing a psychoactive effect excluding alcohol, tobacco or where the context indicates otherwise. This includes but is not limited to stimulants like MDMA and methamphetamine; depressants such as cannabis, benzodiazepines (e.g. Valium)

and GHB/GBL; opioids such as heroin; hallucinogens such as LSD or magic mushrooms; recreational use of prescription medicines, and the many hundreds of new psychoactive substances that closely mimic other substances and are usually categorised as synthetic cannabinoids or cathinones.



Build key relationships and networks

An excellent way to learn about potential substance issues in your premises so that you can launch a proactive response is to have regular conversations with the following people and networks. If relationships with one become strained, it can be helpful to seek advice and support from another.

Nearby managers or licensees

Communicate regularly with licensees or managers from nearby premises to build clarity about substance issues in your area and emerging trends. This can be useful to share intelligence about individuals linked to dealing or other substance related problems. Hospitality New Zealand offers networking opportunities that can facilitate these connections.

Alcohol Licensing Inspector

Establish a strong relationship with your Alcohol Licensing Inspector to preserve a channel of communication and advice. They can often broker relationships with helpful individuals and networks.

Public Health Units

The Public Health Unit at your local District Health Board can assist with developing policies and initiatives to reduce alcohol and drug harm.

Police

A proactive relationship with local police will go a long way to ensure substance related incidents are resolved with minimal interference from the Police. When substances are found on your premises, you should have an arrangement with local police about how and when they will be delivered for destruction.

Customers

A close connection with your customers is the best way to hear about substance issues impacting your premises. This will allow you to develop a response to prevent problems or future harm to your customers.

Policies and plans prevent problems

Your Host Responsibility Policy is the ideal place to headline your commitment to reduce harm from substances. Host responsibility in relation to substance use means:

- Creating safer premises where consumption of substances is discouraged
- Empowering staff to intervene to prevent intoxication and supply of substances.

Consider the following clauses to include or update in your Host Responsibility Policy:

1. Customers who are visibly intoxicated by alcohol, *or other substances*, will not be served alcohol, will be asked to leave the premises and will be encouraged to take advantage of safe transport options.
2. Customers showing signs of overdose from alcohol or other substances will be taken to our place of safety on the premises and will be assisted.
3. Customers discovered supplying illegal substances to others will be reported to the Police and permanently trespassed.
4. Customers discovered using or in possession of an illegal substance will be asked to leave the premises.

The responsibilities and commitments you adopt in your Host Responsibility Policy should be explained in your Host Responsibility Implementation Plan. It should cover the following areas which are explained further in this guide:

- Creating a safer environment
- Handling substances safely
- What to do at the entrance
- Responding to a customer using or in possession of a substance
- Responding to a customer influenced or intoxicated by a substance
- When someone is observed supplying substances
- Assisting a customer who says their drink was spiked



Know the law

- MoDA makes it illegal to knowingly permit any premises to be used to supply, consume, procure or administer a 'controlled drug'. This means if you or your staff see something happening, it should be dealt with.

Create a safer environment

Consuming substances in a bar or nightclub is risky and should be discouraged. It is difficult for people to know how much, or how often they are using a substance or to predict how it might interact with another substance, especially alcohol. Staff should be trained to discourage substance use. The following environmental measures communicate to customers that you enforce your commitments as a responsible host:

- Ensure staff are frequently visible throughout the premises including in bathrooms. Frequent glass collections can achieve this.
- Combine visibility with sociability. Get to know your customers and let them know you.
- Maintain high standards of service and cleanliness. A commitment to high standards of service will highlight that you are unlikely to tolerate illegal activity.
- CCTV cameras can be a surrogate for staff visibility in secluded areas. But to head-off problems they must be easily and frequently monitored by staff.



Handle substances safely

It is the responsibility of the manager on duty to oversee the handling of any illegal substances found by staff or surrendered by customers. This is not only a legal risk, it is also a health and safety risk if staff themselves are tempted to experiment with mystery substances or white powders.

Report, store, record and witness receipt of substances

Staff should report any substance to the manager on duty, and act as a witness to it being securely stored and recorded in your Incident Log. This will protect staff if something goes wrong.



Designate a secure storage location

This is where substances are stored until given to Police by the licensee or manager. This could be a locked cupboard or drawer. Some premises have a one-way amnesty box or safe where substances can be deposited by staff or directly surrendered by customers.



Know the law

- You have a defence under MoDA if you can prove you took possession of a substance to prevent an offence being committed and/or to destroy it or deliver it to Police.

Respect the privacy of your customers

In New Zealand, your obligation to respect the privacy of customers outweighs your ability to intrusively screen for illegal substances at the door.

Licensees, managers and even certified private security personnel do not have special powers to search for substances. This means rub-downs, pat-downs or other physical searches are not allowed. Requests to turn out pockets or search bags are allowed with implied consent but cannot be done forcibly. If someone refuses, you can deny entry or ask them to leave.



Know the law

- Implied consent is given if searches are stated as a condition of entry which must be displayed at the entrance.
- The Crimes Act gives certified private security personnel the power to detain a person between the hours of 21:00 and 06:00 for offences against the Crimes Act. But this does not include offences against MoDA.
- Under the Private Security Personnel and Private Investigators Act 2010, the role of a crowd controller or personal guard is to screen entry, maintain order and remove people.

Customer using or in possession of a substance

All substance use can cause problems and the best use is no use. Existing laws require licensees to enforce this “no use” message for substances other than alcohol. But it should be accepted that for better or worse, substances are a part of our World.

12%

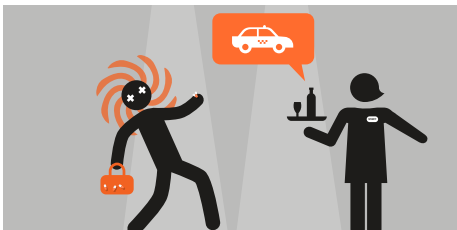
of adults used cannabis to get high in the past 12 months

1%

of working age adults used methamphetamine to get high in the past 12 months

Source: New Zealand Health Survey 2016-2017

If a customer is discovered using or in possession of an illegal substance, staff should report this to the duty manager or a designated person who can intervene. The customer could be given an option to leave



or surrender their illegal substances and allowed to stay (see handling substances p.7). However, this is risky if something goes wrong.

If local Police later decide the customer is intoxicated, an earlier intervention allowing the customer to stay will be viewed dimly. The best response is to ask the customer to leave (follow house policy). On the other hand, if you're familiar with substance issues and confident preventing intoxication from substances on your premises you might prefer the more pragmatic approach.

It is up to you to determine how you balance the intent of existing laws with your desire to be a responsible host.



Know the law

- If you permit a customer to remain on your premises while knowing they are using or in possession of an illegal substance, you're committing an offence against MoDA.
- MoDA gives you a defence if you take possession of a substance, but you do not have the power to do so forcibly.

Serving a customer influenced by substances

All licensees, managers, servers and other staff are tasked with preventing intoxication from substances, as with alcohol. The thresholds in the **Intoxication Assessment Tool** apply to alcohol as well as other substances. Intoxication from a substance can differ from alcohol qualitatively but the behavioural indicators are similar.



!

Know the law

- The Sale and Supply of Alcohol Act 2012 defines 'intoxicated' as observably affected by alcohol, *other drugs*, or other substances (or a combination of two or all those things) to such a degree that two or more of the following are evident:
 - a. appearance is affected
 - b. behaviour is impaired
 - c. co-ordination is impaired
 - d. speech is impaired.

Sober

Sober customers that used a substance before arriving can enter and be served alcohol on your premises.

Influenced

Customers influenced by substances are allowed on the premises, but service of alcohol must be modified, and slowed or stopped. For example, establishing a rapport and offering water will soften a later intervention and assist with monitoring behaviour.

Intoxicated

Customers intoxicated by a substance must be denied service of alcohol and asked to leave. Follow the house policy for removal of intoxicated persons.

Someone supplying substances

A customer's personal use of a substance is one thing, it's another to put customers in harm's way by allowing someone to supply others. All substances carry a risk of harm, more so if they are illegal and unregulated.

Dealing

Someone found supplying substances to other customers should be asked to leave immediately and not allowed to return. Permanently trespassing the person could be appropriate. Signs to look out for:

- A person that is joined by many different people for brief periods
- A person making frequent trips to the toilet or secluded areas with many different people
- Someone frequently exchanging cash or small items in a secretive manner, or openly.

Social supply

A person sharing a substance with friends is not likely to profit or cause problems in the same way a dealer might. They might be treated the same as someone found using a substance.

Know the law

- MoDA does not distinguish social supply from dealing. However, the broader community including policing and the courts increasingly recognise it as distinct.
- Knowingly permitting the dealing of substances in your premises could endanger your licence.



Customer says their drink was spiked

The substance most likely to be used to spike a drink is alcohol. Rohypnol (roofies) and GHB/GBL have a reputation as being used to spike drinks but this is uncommon in New Zealand. These substances are scarce, expensive, and taste strange. Alcohol is relatively inexpensive, accessible, and easily masked.

Drink spiking seems more common than it is. It can be claimed by someone who consumed more alcohol than they recall, missed a meal before they started drinking, forgot a medicine they took, or who made decisions they regret. Regardless of the reason, always take a complaint seriously, act with compassion and ensure they either get home safely with someone they trust or, if necessary, receive medical attention.

Staff training should include the following:

- Don't make extra strong drinks when a customer wants one that is stronger
- Let people watch their drink be made
- Frequently collect unattended drinks
- Respond swiftly to predatory behaviour
- Ensure rapidly intoxicated customers are not asked to leave without someone they trust
- Take complaints of drink spiking seriously
- Permanently trespass known perpetrators and report them to the Police.



Call for help

When to call an ambulance

If someone is overdosing, it is a medical emergency. Alcohol use is a contributing factor in many substance overdose deaths. Many of the signs of substance overdose are the same as alcohol overdose. They include:

- Vomiting
- Seizures or convulsions
- Unconsciousness
- Slow breath/heart rate
- Pale skin
- Chest pain

Urgently move them to your designated place of safety, preferably a quiet area with fresh air.



If someone is conscious:

- Offer water or a sugary non-alcoholic drink
- Stay with them
- Don't let them fall asleep
- Call an ambulance if symptoms get worse

If someone is unconscious:

- Call an ambulance – dial 1-1-1
- Place them in the recovery position
- Monitor breathing and pulse continuously

When to call Police

Call the Police (dial 1-1-1) if a customer refuses to leave when asked, a situation has the potential to escalate or turn violent, attempts at removal are unsuccessful, or if staff or customers are being threatened..



Know the law

- The Search and Surveillance Act 2012 gives Police the power to conduct a warrantless search of your premises or anyone inside it if they have reasonable grounds to suspect an offence against MoDA.
- In some cases, Māori Wardens can help resolve problems.

Knowledgeable staff are your best asset

Substance use is an issue everyone has a role in addressing. Having policies, plans, a manual, trainings and regular discussions about substances will prepare your people to prevent harm and intervene effectively when the time comes.

Roles and responsibilities

Manager or licensee

- Lead the inclusion of substance issues in policies and plans
- Organise staff training and implementation of policies and plans
- Build relationships with customers and key external individuals and networks
- Ensure staff understand their responsibilities in substance incidents.

Duty manager

- Ensure the conduct of the premises minimises substance harm while complying with the law
- Identify and monitor customers influenced by substances and determine what intervention is required
- Support staff to intervene to the extent required by their role
- Record all drug related incidents in the Incident Log

- Oversee the receipt and handling of substances
- Participate in training and understand responsibilities in relation to substance use.

Bar staff

- Identify and monitor customers influenced by substances and inform the duty manager or request support
- Deny alcohol service to customers intoxicated by substances
- Assist with ensuring staff are frequently visible in all areas including bathrooms
- Assist with the cleanliness of the venue including bathrooms
- Report substance use to the duty manager
- Participate in training and understand responsibilities in relation to substance use.

Security personnel

- Assist with ensuring staff are frequently visible in all areas
- Investigate suspicious behaviour or indications of dealing and report this to the duty manager
- Assist with the peaceful resolution of substance related incidents
- Intervene immediately where there are indications of an overdose or other harm
- Participate in training and understand responsibilities in relation to substance use.

Kinds of substances and interaction with alcohol

Combining one substance with another increases the risk of harm, particularly with alcohol. Customers may underestimate the effect or forget they had another substance (e.g. medication) when consuming alcohol. The result can be an unpredictable experience and higher risk of overdose.

Alcohol and stimulants

Alcohol slows the body while stimulants like energy drinks, MDMA/ecstasy, methamphetamine and cocaine do the opposite. Stimulants can suppress intoxication from alcohol and depressants which makes people use more. But if the stimulant wears off before the depressant, then overdose is possible. Someone might seemingly consume large amounts of alcohol with little sign of intoxication.

Stimulants can make someone energetic and increase body temperature while suppressing thirst. For this reason the dehydrating effect of alcohol makes it a risky accompaniment. Servers can recommend that customers influenced by stimulants drink two glasses of water or one 330ml bottle per hour, but not more, and take regular breaks from dancing.

Mixing cocaine and alcohol is particularly harmful yet is relatively common. These two substances produce cocaethylene in the liver which is highly toxic and difficult to process, lengthening the recovery time.

Unique signs of stimulant influence

- Enlarged pupils
- Chewing or jaw clenching
- Profuse perspiration

Risks of serving alcohol to someone using stimulants

- Dehydration
- Alcohol overdose
- Reactive demeanour

Alcohol and depressants

Mixing a depressant like alcohol with other depressants like benzodiazepines, GHB/ GBL (usually called 'G') or opioids (e.g. codeine) can be deadly. Alcohol increases the depressing effect that these substances have on breath and heart rate. If people overdose and do not receive supportive medical care, death can result.

While less life-threatening, mixing cannabis and alcohol can increase negative effects and lessen the enjoyable effects. For some people it can increase paranoia and anxiety and going between the two substances over a night can make people nauseous.

Signs of depressant influence

- Sudden euphoria
- Sleepiness
- Slurred or slow speech
- Difficulty focusing

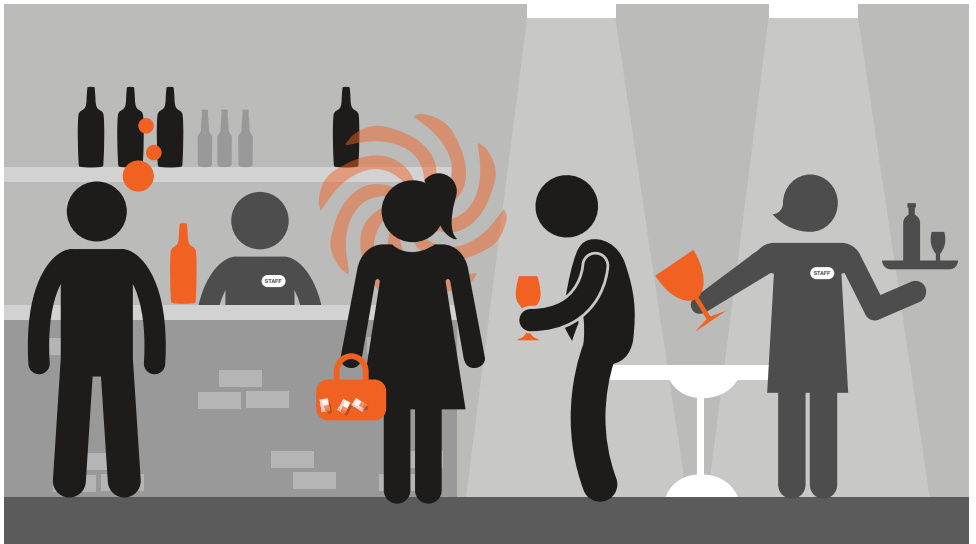
Risks of serving alcohol to someone using depressants

- Particularly unruly behaviour
- More likely memory loss or blackouts
- Life-threatening overdose

Alcohol and medication

An unexpected reaction to alcohol such as extreme intoxication could be caused by medication. Someone taking medication may forget they had it or not be aware of the danger. Some anti-depressant and anti-anxiety medicines can increase intoxication, cause disorientation, further damage mental health, or increase blood pressure when mixed with alcohol. Some heart, diabetes, antibiotics, cholesterol and allergy medicines also interact harmfully with alcohol.

Someone might be under the blood alcohol limit to drive, but if they consumed alcohol on top of medication, they could be impaired and liable for any accident.



What substances do your customers use?

Unique factors and substances can cause specific issues. This tool helps you think about how your customer profile might influence substance issues on your premises. However, any customer could use any substance or nothing at all. Conversations with others are the best tool to identify patterns of behaviour or emerging problems related to specific substances on your premises.

HIGH INCOME

Weekend yopros

Party drugs

Trendy Nightclub

Urban young professionals combine risk taking and a higher income which puts them in the market for party drugs like MDMA, GHB/GBL, ketamine and sometimes cocaine. Youthful zeal tends to reduce meth use.

GHB/GBL is implicated in frequent overdose incidents and sexual assaults overseas but is scarce in New Zealand. A bigger concern is likely to be overheating or dehydration from MDMA use. There are also increasing reports of people being sold MDMA but given synthetics or 'bath salts'. These substances often have unpleasant effects at lower doses than MDMA.

YOUNGER



Youthful explorers

Synthetics, Festival drugs

CBD nightspot, student bars, festivals

Early adulthood can involve low-budget thrill seeking. This might include buying cheaper substances like synthetics from people they don't know. These mimic traditional substances such as cannabis or MDMA but can induce unpleasant or harmful effects at lower doses.

High-profile substance related deaths in New Zealand were caused by synthetic cannabinoids. These substances are unpredictable, and staff should look out for signs of intoxication.

LOW INCOME

HIGH INCOME

High flyers

Party drugs, Cocaine, Meth

When higher income and risk taking are combined with experience, there can be a readiness to try more potent substances like meth to manage stress or boredom. Cocaine can also be used by this group for its status.

A more intimate style of premises may promote closer relationships between staff and customers which could increase the risk of staff being compromised. Social supply of substances can also be an issue when higher incomes reduces a barrier to sharing. In these situations, consent might become muddled and motivations for supply could be a concern.

Classic cocktail bar / Restaurant

Free workers

Meth, Synthetics, Cannabis

Like alcohol, substances can provide an escape from the challenges of life. Some substances like methamphetamine or the non-medical use of prescription medicines span all incomes and ages. But working people's type premises report an increase in meth related anti-social behaviour in New Zealand.

Anti-social behaviour on meth is more likely when someone has not had enough food, water or sleep. Consider ways of reminding customers about their basic needs.

Big room venues in lower socio-economic area

LOW INCOME

OLDER

Drug Checking in New Zealand

Drug checking is a free service which safety tests substances to determine their contents. It is offered in New Zealand by KnowYourStuffNZ, a volunteer organisation supported by the New Zealand Drug Foundation. KnowYourStuffNZ has safety tested hundreds of recreational substances at dozens of New Zealand music festivals.

Drug checking is harm reduction with the potential to save lives. It arms people with knowledge about the substance they intend to use so they can make better decisions about how they will consume it, if at all. If a substance is not what people expect it to be, most choose not to use it.

Is drug checking legal?

In part, this guide deals with what to do when aware of substance use on your premises to avoid falling foul of MoDA. In contrast, drug checking accepts what we all know – Substance use does occur, cannot realistically be prevented and simply ensures people are safer from harm. It is offered in various forms in many countries, and the New Zealand Police are regularly consulted about the work of KnowYourStuffNZ.

SO REMEMBER...

- **Be a responsible host to all customers**
- **Create an environment that discourages drug use**
- **Train staff to respond to drug issues confidently**

