

QoN 017-01 A witness who appeared before the committee on 19 November 2020 stated, in relation to New Zealand's vaping policy, that "*New Zealand jumped early, they let the genie out of the bottle and now they're trying to put it back and they're finding that hard.*" Is this a reasonable characterisation of New Zealand policy?

This is not a reasonable characterisation of the history of New Zealand's vaping policy. New Zealand did not 'jump early'. Like many other jurisdictions, New Zealand has had to rely on existing legislative frameworks to regulate vaping products. In New Zealand's case, this meant relying on the Smoke-free Environments Act 1990 and the Medicines Act 1981. This was unsatisfactory as these Acts were not designed with vaping products in mind, and compliance and enforcement proved difficult. This situation was rectified by the passage of the Smokefree Environments and Regulated Products (Vaping) Amendment Act in August 2020.

QoN 017-02

Please describe the Ministry of Health of New Zealand's policy regarding vaping and vaping products.

The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 commenced on 11 November 2020, amending the Smoke-free Environments Act 1990 and renaming it the Smokefree Environments and Regulated Products Act 1990.

The new Act strikes a balance between ensuring vaping products are available for smokers who want to use them to reduce the harm to their health and making sure these products aren't marketed or sold to young people under the age of 18 years.

QoN 017-03

Please indicate the rationale for the policy on vaping and vaping products adopted by the Ministry of Health of New Zealand.

In 2011, the Government set a goal for Smokefree 2025. The goal aims to reduce smoking prevalence to minimal levels.

The Ministry of Health considers vaping products have the potential to make a contribution to the Smokefree 2025 goal and could disrupt the significant inequities that are present.

The potential of vaping products to help improve public health depends on the extent to which they can act as a route out of smoking for New Zealand's 464,000 daily smokers, without providing a route into smoking for children and non-smokers. The Smokefree Environments and Regulated Products Act 1990 aims to strike this balance.

The Ministry of Health encourages smokers who want to use vaping products to quit smoking to seek the support of local stop smoking services. Local stop smoking services provide smokers with the best chance of quitting successfully and must support smokers who want to quit with the help of vaping products.

QoN 017-04 Witnesses have raised concerns about the potential uptake of vaping and vaping products amongst young people in Australia and suggested that the government should take the decision to legalise and regulate vaping and vaping products.

What steps has the Ministry of Health of New Zealand taken to address similar concerns in New Zealand?

In a commitment to better support smokers to switch to less harmful products, and to protect children and young people from the risks associated with vaping products, the New Zealand Government agreed in November 2018 to introduce new legislation that would improve the regulation of vaping products in New Zealand.

The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 came into force on 11 November 2020. This means that **vaping products**, in addition to **tobacco products** and **herbal smoking products** are now regulated under the Smokefree Environments and Regulated Products Act 1990 (the Act).

The amended Act:

- extends current prohibitions on smoking to vaping, by prohibiting vaping in indoor workplaces, early childhood centres and schools
- largely extends the existing prohibition on advertising and sponsorship to vaping products
- prohibits the sale of vaping products to those under the age of 18 years
- prohibits vaping in cars carrying children and young people under the age of 18 years
- enables product safety requirements for vaping products and smokeless tobacco products (collectively, **notifiable products**) to be set in regulations
- requires notification of notifiable products before they can be offered for sale in New Zealand
- sets out processes for issuing health warnings and recalls of potentially harmful notifiable products
- limits the sale of flavoured vaping liquids to tobacco, menthol and mint by retailers other than approved specialist vape retailers
- requires manufacturers and importers of vaping products and specialist vape retailers to provide annual reports and returns to the Ministry of Health
- extends the powers of enforcement officers to all regulated products.

These provisions come into force between 11 November 2020 and 11 February 2022.

Dear Dr. Hodder,

My attention has been drawn to a Question on Notice (QoN 017-01) posed to the New Zealand Ministry of Health by Senator Hughes and recently posted on the Committee's website that refers to the hearing in which Emeritus Professor Chapman and I appeared.

I wish to note for the record:

i) The Question – “A witness who appeared before the committee on 19 November 2020 stated, in relation to New Zealand's vaping policy, that “New Zealand jumped early, they let the genie out of the bottle and now they're trying to put it back and they're finding that hard.” - seeks a view on part of a response, while omitting the remaining part which refers specifically to concerns about children and young people, and also to correspondence received by the Committee “from experts in New Zealand and people directly involved in research in children and young people”.

ii) Even so, I note first that the comment made at the hearing reflects the position taken by the Cancer Society of New Zealand in its submission to the Committee; and second that the response from the Ministry of Health quite specifically confirms that the New Zealand approach was implemented despite legislative frameworks that were “unsatisfactory” and that had to be “rectified” with subsequent legislation.

Yours sincerely,

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