



24 August 2022

Submission on the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill

1. About VIANZ (currently being formed):

1.1. The Vaping Industry Association of New Zealand is in the process of being formed by those active in retail, manufacturing and distribution to better support the industry. Our draft constitution prevents 'Big Tobacco' and 'Big Pharma' from VIANZ membership.

2. Vaping and Smoking:

2.1. Vaping is the most disruptive threat smoking has ever encountered and exemplifies Tobacco Harm Reduction. That is to provide users with nicotine with fewer harms compared to smoking. The industry was regulated in 2020 and with the last regulatory provisions taking effect only in August 2022.

2.2. The 2020 regulation of vaping corresponded with the largest fall in smoking prevalence ever recorded in the NZ Health Survey. It is notable that the 2020/21 survey was against a backdrop where the only major policy intervention was vaping. There is, furthermore no "gateway" to smoking and evidence proves the reverse to be true. Legislation should reinforce success.

3. High-level Comments on the Bill:

3.1. The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill is supported, especially, the smokefree generations policy.

3.2. The role that vaping has and will play in achieving Smokefree Aotearoa 2025 needs to be emphasised by ensuring full access to vaping products in order to minimise the illegal sales of smoked tobacco products as provisions take effect.

3.3. **VIANZ wishes to present to the Health Select Committee.**

Other observations:

- 3.4. Most provisions are supported but there is need to ensure smokers, especially in areas of low population density but high smoking prevalence, have viable access to cessation services and the full range of vaping products.
- 3.5. Proposed Section 20Q (Conditions of approval under section 20P), should allow the Director-General to grant a waiver for General Vape Retailers, in those localities unable to sustain a Specialist Vape Retailer at sale threshold limits.
- 3.6. At Section 50, we ask that annual reporting requirements for Specialist Vape Retailers (and by extension General Vape Retailers), be subject to Section 9 of the *Official Information Act 1982*. Public release would prejudice the commercial position of the retailers who supplied this information and potentially supply intelligence to criminal elements.
- 3.7. At Section 104, we ask the Committee to limit access to databases than the Bill proposes due to incredibly loose wording, “any other government agency.” There needs to be a better rationale for database access.
- 3.8. We also point out inconsistency between the smokefree generation policy and this not being extended to the *Customs and Excise Act 2018*.
- 3.9. **We will present more evidence at the Select Committee.**