### Submission form: Proposals for the Smoked Tobacco Regulatory Regime

## Your details

|  |  |
| --- | --- |
| This submission was completed by: *(name)* | Click or tap here to enter text. |
| Email: | Click or tap here to enter text. |
| Organisation *(if applicable)*: | Click or tap here to enter text. |

## Additional information

These questions are optional. We are only asking for your age and ethnicity to help us analyse submissions.

My age is:

|  |
| --- |
|[ ]  Under 18 |
|[ ]  18 – 34 |
|[ ]  35 – 44 |
|[ ]  45 – 54 |
|[ ]  55 – 64  |
|[ ]  65 + |
|[ ]  Not applicable (eg, I am submitting on behalf of an organisation or group)  |

The ethnicity/ethnicities I identify with are:

|  |
| --- |
|[ ]  New Zealand European / Pākehā |
|[ ]  Māori |
|[ ]  Pacific Peoples |
|[ ]  Asian |
|[ ]  Other European |
|[ ]  Other ethnicity |
|[ ]  Prefer not to say/ not applicable (eg, I am submitting on behalf of an organisation or group)  |

If other ethnicity, please specify:

Please provide details of any Iwi you might affiliate to below.

Click or tap here to enter text.

I am, or I represent, the following category or categories: *(tick all that apply)*

|  |  |
| --- | --- |
|[ ]  Personal submission |[ ]  Healthcare provider (eg, primary care provider, stop smoking provider) |
|[ ]  Community or advocacy organisation |[ ]  Professional organisation |
|[ ]  Iwi/Hapū affiliated, and/or Māori organisation |[ ]  Tobacco manufacturer, importer or distributor |
|[ ]  Pacific community organisation  |[ ]  Vaping or smokeless tobacco product retailer, distributor or manufacturer |
|[ ]  Government organisation (eg, local council) |[ ]  Small retailer (eg, dairy or convenience store) |
|  | Research or academic organisation |[ ]  Medium or large retailer (eg, supermarket chain or large petrol station) |
|[ ]  Other *(please specify)*: |  |
|  | Click or tap here to enter text. |  |

## Privacy

We intend to publish the submissions from this consultation, but **we will only publish your submission if you give permission**. We will remove personal details such as contact details and the names of individuals.

If you do not want your submission published, please tick this box:

[ ]  Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act (even if it hasn’t been published).

## Commercial interests

Do you have any commercial interests?

[ ]  I have a commercial interest in smoked tobacco products

[ ]  I have a commercial interest in other regulated products (vaping products, other notifiable products)

[ ]  I have commercial interests in both smoked tobacco and other regulated products (vaping products, other notifiable products)

[ ]  I do not have any commercial interests in smoked tobacco or other regulated products (vaping products, other notifiable products)

## Commercially sensitive information

We will redact commercially sensitive information before publishing submissions or releasing them under the Official Information Act.

If your submission contains commercially sensitive information, please tick this box:

[ ]  This submission contains commercially sensitive information.

If so, please let us know where.

Click or tap here to enter text.

## Protection from commercial and other vested interests of the tobacco industry

New Zealand has an obligation under Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (FCTC) when ‘setting and implementing public health policies with respect to tobacco control … to protect these policies from the commercial and other vested interests of the tobacco industry’.

The internationally agreed Guidelines for Implementation of Article 5.3 recommend that parties to the treaty ‘should interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products’.

The proposals in this discussion document are relevant to the tobacco industry and we expect to receive feedback from companies in this industry. We will consider all feedback when analysing submissions.

To help us meet our obligations under the FCTC and ensure transparency, all respondents are asked to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry.

Please provide details of any tobacco company links or vested interests below.

Click or tap here to enter text.

## Please return this form:

By email to: smokefree2025@health.govt.nz

By post to: Smokefree Consultation, PO Box 5013, Wellington 6140.

# Consultation questions

The Ministry of Health is seeking comments on the following.

## Regulatory proposal 1a: Number of smoked tobacco retail premises and their distribution across Aotearoa

This section focusses on how stores that sell tobacco products will be spread across the country. In this section you can tell us if there’s anything you think we should know about how areas should be defined, how many stores should be in each area, and anything important about your area.

This proposal relates to the written notice under section 20M of the Act to set a maximum number of retail premises in areas of New Zealand. Currently there are around 6,000 retailers of smoked tobacco products in Aotearoa. The recent changes to the Act mean that no more than 600 approved retail premises will be permitted to sell smoked tobacco products across the country. We propose that New Zealand be divided into areas based on whether they are urban or rural.

We have suggested an example scenario for smoked tobacco retail premises summarised by region. It is likely that the final distribution will need to be adjusted to take into account feedback from consultation, so this is a starting point for discussion only.

* + 1. Do you agree with dividing Aotearoa into areas and having a separate maximum number of smoked tobacco retail premises for each one?

[ ]  Yes

[ ]  No

* + 1. Do you agree with the concept that urban and rural areas should be treated differently?

[ ]  Yes

[ ]  No

If you have any comments on how we have defined rural and urban, or how the geographic nature of the area required by the Act should be taken into account, write them here.

Click or tap here to enter text.

* + 1. Do you agree with our suggested allocation scenario, as described in Table 1 of the consultation document and the supplementary maps we have produced?

[ ]  Yes

[ ]  No

How else could you determine the maximum number of retail premises for each area, bearing in mind the Act allows for a maximum of 600 retail premises?

Click or tap here to enter text.

* + 1. We are interested in understanding the needs of different areas of Aotearoa. What is your area?

|  |  |
| --- | --- |
|[ ]  Northland (Te Tai Tokerau) |[ ]  Manawatū/Whanganui |
|[ ]  Auckland (Tāmaki Makaurau) |[ ]  Wairarapa/Wellington (Te Whanganui-a-Tara) |
|[ ]  Waikato |[ ]  Nelson/Marlborough (Whakatū/Te Tauihu-o-te-waka) |
|[ ]  Bay of Plenty (Te Moana a Toi-te-Huatahi) |[ ]  Tasman/West Coast (Te Tai o Aorere/Te Tai Poutini) |
|[ ]  Tairāwhiti/Hawkes Bay (Te Matau-a-Māui) |[ ]  Canterbury/Chatham Islands (Waitaha/Wharekauri/Rēkohu) |
|  | Taranaki |[ ]  Otago/Southland (Ōtākou/Murihiku) |
|[ ]  Other/I am not in New Zealand  *(please specify)*: |  |
|  | Click or tap here to enter text. |  |

## Regulatory proposal 1b: Minimum requirements for approval as a smoked tobacco retailer

This section focusses on minimum requirements for selling smoked tobacco products. In this section you can tell us about who should be allowed to sell and what type of systems you think they should have.

This proposal relates to key criteria under 20I and regulation making powers under 82A of the Act to require the retailer to meet certain criteria before they can be approved.

The Director-General of Health must be satisfied that retail premises are run by people who are ‘fit and proper’. Further requirements that need to be met can be set in regulations for security, training, delivery, other business systems, and other relevant criteria. We have proposed some requirements which are intended to ensure that the retail scheme works as intended.

* + 1. Do you agree with the proposed requirements for a ‘fit and proper’ person in Appendix 2 of the consultation document?

[ ]  Yes

[ ]  No

If you have any comments on the proposed requirements for a ‘fit and proper person, please write them here.

Click or tap here to enter text.

* + 1. Do you agree with the minimum requirements we have proposed for security systems, training, sales systems, delivery systems and other business systems?

[ ]  Yes

[ ]  No

Do you have any other suggestions?

Click or tap here to enter text.

## Regulatory proposal 1c: Approval processes and decision-making criteria

This section focusses on the retail application process for smoked tobacco retailers. The Act requires that the Director-General determine and publish a process for applications. We are seeking feedback on 2 main parts: firstly, how the application process will be run, and secondly how we will compare applications against each other if there are too many applicants for an area.

Here you can tell us what you think is important to consider.

You can find more details on this proposal in the consultation document.

* + 1. Do you agree with the proposed application process?

[ ]  Yes

[ ]  No

* + 1. Are there any aspects that need to be clearer?

Click or tap here to enter text.

* + 1. If you have any changes or additions to the criteria we have proposed, please write them here.

Click or tap here to enter text.

* + 1. What do you think are the most and least important things to take into account when assessing an application?

Click or tap here to enter text.

## Additional retail questions

* + 1. Do you have any feedback on additional decision-making criteria and processes for selling smoked tobacco products online?

Click or tap here to enter text.

* + 1. Do you have any feedback on possible support for retailers who are no longer able to sell smoked tobacco products?

Click or tap here to enter text.

## Regulatory proposal 2: Low nicotine requirements

From 1 April 2025 only low nicotine smoked tobacco products will be allowed in Aotearoa. This section focusses on the details of testing and product requirements, application processes as well as product packaging updates needed.

You can find more details on this proposal in the consultation document.

* + 1. Do you agree that a suitable testing method may include a method based on WHO SOP4, validated to account for the low nicotine levels prescribed?

[ ]  Yes

[ ]  No

* + 1. Do you have any other suggestions for suitable chemical analytical methods?

Click or tap here to enter text.

* + 1. Do you agree with the proposal that the main packaging change should be to allow the words ’very low nicotine’ on qualifying smoked tobacco products?

[ ]  Yes

[ ]  No

* + 1. Do you agree with the proposal to require an insert in smoked tobacco product packs?

[ ]  Yes

[ ]  No

If you have any additional feedback on smoked tobacco packaging, please comment here.

Click or tap here to enter text.

* + 1. Do you agree with the product application requirements?

[ ]  Yes

[ ]  No

If you have further comments on product application requirements, please write them here.

Click or tap here to enter text.

* + 1. Do you agree with the proposed requirements for temporary approvals?

[ ]  Yes

[ ]  No

If you have any comments on the proposed requirements for temporary approvals, please write them here.

Click or tap here to enter text.

## Regulatory proposal 3: Fees

This section focusses on fees for applications, registrations and product approvals.

You can find more details on this proposal in the consultation document.

* + 1. Do you agree that Manatū Hauora should charge for these processes?

[ ]  Yes

[ ]  No

What processes do you suggest we charge for?

Click or tap here to enter text.

* + 1. Do you agree with the level of each of the fees?

[ ]  Yes

[ ]  No

If not, how much do you suggest we charge?

Click or tap here to enter text.

* + 1. Do you agree with our cost recovery approach?

[ ]  Yes

[ ]  No

If not, what approach do you suggest we use?

Click or tap here to enter text.

## Regulatory proposal 4: Notification requirements

This section is about the process for distributors of smoked tobacco products and retailers of notifiable products to tell the Director-General about their business.

You can find more details on this proposal in the consultation document.

* + 1. Do you agree with the proposal that distributors and general retails be required to re-register annually?

[ ]  Yes

[ ]  No

If you have any further comments (including how frequently registration should be required) please write them here.

Click or tap here to enter text.

## Regulatory proposal 5: Youth vaping

Youth vaping rates are currently increasing. We propose extending vaping packaging and product restrictions to further improve product safety and reduce the appeal of these products to young people, specifically through restricting flavour names and introducing product safety requirements for single use vaping products.

You can find more details on this proposal in the consultation document.

* + 1. Do you agree with the proposal to restrict the flavour names of vaping products to minimise their appeal to youth?

[ ]  Yes

[ ]  No

If not, why not? If you agree, which names do you think should be excluded or replaced on the example e-liquid flavour wheel set out in the consultation document?

Click or tap here to enter text.

* + 1. Do you agree with the proposal to extend product safety requirements for disposable vaping products?

[ ]  Yes

[ ]  No

If you have further comments on the proposal to extend product safety requirements for disposable vaping products, please write them here.

Click or tap here to enter text.

* + 1. Do you agree with the proposal to restrict where Specialist Vape rRetailers can be located?

[ ]  Yes

[ ]  No

If you have any further comments on where Specialist Vape Retailers are located (including any particular locations that are important to you), please write them here.

Click or tap here to enter text.