

11 March 2021

Tēnā koe me koutou mā

### **Smokefree Environments and Regulated Products Act 1990 – proposals for regulations**

Healthy Families NZ is a large-scale prevention initiative that brings community leadership together in a united effort for better health. It aims to improve people's health where they live, learn, work and play by taking a systems approach to the reduction of risk factors for major health loss and improving equity in health outcomes.

The goal is for all New Zealanders to enjoy health promoting social and physical environments that enable healthy food and physical activity choices, being smokefree, drinking alcohol only in moderation and increasing mental health resilience and wellbeing.

Lower Hutt is one of ten Healthy Families NZ communities across Aotearoa, each location experiences some of the worst health statistics in the country. Healthy Families Hutt Valley is funded by the Ministry of Health and is being led by Hutt City Council.

The Healthy Families Hutt Valley Strategic Leadership Group is responsible for providing direction and leadership using and championing a systems-based approach to achieve a healthier Hutt Valley in the places where we spend our time.

The Healthy Families Hutt Valley Strategic Leadership Group is made up of representatives from across sectors and communities and includes the following members and organisations:

- Andrea Blackshaw, Director Neighbourhoods & Communities, Hutt City Council
- Peggy Luke-Ngaheke, Manager Waiwhetū Marae
- Marcus Sherwood, Head of Parks and Recreation, Hutt City Council
- Holona Lui, Director, Catalyst Pacific Ltd
- Mel Turner, Senior Portfolio Manager Healthy Families NZ, Ministry of Health
- Phil Gibbons, Chief Executive, Sport Wellington
- Peter Kelly, Chief Executive, Upper Hutt City Council
- Dave Appleyard, Community Champion
- Bridget Allan, Chief Executive, Te Awakairangi Health Network
- Fionnagh Dougan, CE, Capital & Coast District Health Board and Hutt Valley District Health Board
- Kayne Good, Manager Learning Support, Ministry of Education
- Arawhetu Gray, Director Māori Health, Capital & Coast District Health Board and Hutt Valley District Health Board

Our feedback is written on behalf of the Healthy Families Hutt Valley Strategic Leadership Group.

The Healthy Families Hutt Valley Strategic Leadership Group congratulates the Government on the introduction of the Smokefree Environments and Regulated Products (Vaping) Amendment Act.

We unanimously support the purpose of the 'Act' along with the need to regulate the marketing, availability, flavours and safety of these products.

We will focus on commenting on the overall purpose and intention on the Act and the majority of our comments are centred on smokefree environments as this is a key work area for us.

We are happy to provide further input and clarification on any of the points raised and would welcome the opportunity to be involved further.

The key contact for this submission is:

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Kind Regards

A handwritten signature in black ink, reading "Andrea Blackshaw". The signature is written in a cursive, flowing style.

Andrea Blackshaw  
On behalf of Healthy Families Hutt Valley Strategic Leadership Group

## **Smokefree and vapefree areas**

We welcome the alignment to the current Smokefree Environments Act 1990, prohibiting vaping in indoor workplaces, early childhood centres and schools. This approach supports the de-normalisation of vaping and removes any possible confusion about where vaping can occur.

We support the ability for local authorities to determine whether to include vaping in outdoor smokefree areas. We would like to see further leadership from central government to encourage local authorities across New Zealand to include vaping in their smokefree outdoor public places policies.

We need to continue to reduce the amount of smoking seen by our children and young people and thus de-normalise the behaviour. This applies equally to vaping.

Many children and young people see the behaviour of vaping the same as smoking, and presents the risk of being a gateway to smoking behaviour. As there is currently insufficient evidence of the potential long-term health effects of vaping, we need to show leadership by protecting our tamariki and rangatahi from engaging in potentially harmful and addictive practices.

We have spent generations reducing the normalisation of smoking behaviour, we need to continue to de-normalise and reduce the visibility of vaping to our children and young people.

The Hutt Valley is well on its way to being a smokefree and vapefree region with Hutt City Council and Upper Hutt City Council having two of the most comprehensive smokefree policies across Aotearoa New Zealand. The approach to include vaping in smokefree policies is well supported by our partners and communities.

## **Prohibit advertising and sponsorship**

We are pleased to see prohibition of all advertising and sponsorship of vaping products being addressed.

However, we are concerned that the potential for non-smokers to become vapers remains, particularly our young people. We **disagree** with the proposed regulation to allow vaping products to continue to be visible and on display. By allowing vaping products to remain on display and visible at distance, it provides a visual cue. Marketing tactics used by industry to target youth are no secret. Bold and attractive packaging as well as appealing vape liquid flavours and other mechanisms to aggressively target young people, is a move to create a generation of vapers.

**We ask you - are we confident that all risk factors pertaining to young people taking up vaping have been identified and addressed in these new regulations?**

Local community voice tells us that Principals have seen an increase in students' vaping in and around schools. Principals are also reporting that anecdotally, students have taken up, and are vaping. One Principal reported "We confiscate more vapes than cigarettes".

We need strong legislation to protect young New Zealanders and ensure inequities reduce rather than widen.

## **Packaging**

Vaping packaging is a marketing tool and may provide a cue to young people to try vaping. We support the regulations on product presentation to try and mitigate some of these packaging marketing strategies.

We strongly support the introduction of a health warning panel in English and te reo Māori, as well as each of the safety messages outlined in the consultation document.

## **Support minimum age restrictions**

We strongly support the regulations prohibiting the sale of vaping products to young people under 18 years of age.

Vaping products should only be used by adult smokers who are on the journey to quit smoking completely. We need to adequately protect our 'never user' group of young people from taking up vaping, something that is not intended for them.

Additional resources are needed to ensure effective monitoring and enforcement of the legislation to ensure minors do not access tobacco or vaping products.

## **Prohibiting vaping in vehicles carrying children under 18**

We are pleased to see the regulations extend to include the prohibition of vaping in cars carrying children under the age of 18 years.

## **Key recommendations**

1. Further Central Government leadership to encourage local authorities across New Zealand to include vaping in their smokefree outdoor public places policies.
2. Additional resources are allocated to effectively monitor and enforce the legislation to ensure minors do not access tobacco or vaping products.

## **Further considerations**

1. The Ministry of Health is satisfied they have identified and addressed all risk factors to protect young people from taking up vaping, something that is not intended for them.
2. Further research is required on the unintended consequences from vaping i.e. respiratory, chemical inhalation, second-hand vapour. There is a need to be nimble and responsive to evolving research.
3. We urge you to consider the question: What is the exit strategy from vaping? Ensuring our smoking cessation providers are well equipped to support people to stop vaping altogether and lead smokefree and vapefree lives.
4. Our ultimate goal is a smokefree and vapefree Aotearoa New Zealand.