# **Submission form**

## Your details

|  |  |
| --- | --- |
| This submission was completed by: *(name)* | Click or tap here to enter text. |
| Email: | Click or tap here to enter text. |
| Phone number: | Click or tap here to enter text. |
| Organisation *(if applicable)*: | Click or tap here to enter text. |
| Organisation address: *(street/box number)* | Click or tap here to enter text. |
|  *(town/city)* | Click or tap here to enter text. |
| Role *(if applicable)*: | Click or tap here to enter text. |

## Additional information

I am, or I represent an organisation that is, based in:

|  |  |  |
| --- | --- | --- |
|[ ]  New Zealand |[ ]  Australia |[ ]  Other *(please specify)*: |
|  |  |  |  |  | Click or tap here to enter text. |

I am, or I represent, a: *(tick all that apply)*

|  |  |
| --- | --- |
|[ ]  Overseas manufacturer |[ ]  New Zealand-based manufacturer |
|[ ]  Importer |[ ]  Exporter |
|[ ]  Retailer |[ ]  Government |
|[ ]  Wholesaler or distributor |[ ]  Institution (eg, university, hospital) |
|[ ]  Member of the public |[ ]  Non-governmental organisation |
|[ ]  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 on the Ministry’s website, 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[ ]  Do not publish this submission.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). If you want your personal details removed from your submission, please tick this box:

[ ]  Remove my personal details from responses to Official Information Act requests.

## Commercial interests

Do you have any commercial interests?

[ ]  I have a commercial interest in tobacco products

[ ]  I have a commercial interest in vaping products

[ ]  I have commercial interests in tobacco and vaping products

[ ]  I do not have any commercial interests in tobacco or vaping 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: vaping@health.govt.nz

By post to: Vaping Regulatory Authority, PO Box 5013, Wellington 6140.

# Consultation questions

The Ministry of Health is seeking comments on the following.

## Regulatory proposal 1: Defining and internal area

1. Which option do you support for the definition of an internal area and why?

Click or tap here to enter text.

2. If you support option c, or if option c were to proceed, would you support a 50 percent coverage threshold? If not, what threshold would you suggest and why?

Click or tap here to enter text.

## Regulatory proposal 2: Specialist vape retailer approvals

3. Do you agree that being in a rural location should be a factor in determining whether to approve an application to be a specialist vape retailer with the lower threshold of 60 percent of sales from vaping products?

Click or tap here to enter text.

4. Are there any other criteria that should be considered when determining whether to approve an application to be a specialist vape retailer with the lower threshold of 60 percent of sales from vaping products?

Click or tap here to enter text.

5. Do you agree that regulations are not necessary at this stage? If not, what do you propose should be put in regulations?

Click or tap here to enter text.

## Regulatory proposal 3: Promotion, information and advice

### 3.1 Display of vaping products in retail settings

6. Do you agree that the display of vaping products should not be regulated at this stage? If you do not agree, what controls do you think should be put in place and why?

Click or tap here to enter text.

### 3.2 Price lists given to retailers for tobacco only

7. Do you support the proposal to restrict the information allowed on manufacturers’ price lists for tobacco products?

Click or tap here to enter text.

8. Is there any other information that you consider should be allowed on manufacturers’ price lists for tobacco products? If so, what do you propose?

Click or tap here to enter text.

### 3.3 Public health messages

9. Do you consider that other information, beyond the information that Vaping Facts already outlines, should be designated as a public health message issued by the Director-General of Health for public services and any publicly funded individuals or organisations to use? If so, what do you propose?

Click or tap here to enter text.

### 3.4 Vaping product information in retail settings

10. Do you support limiting information about vaping products in retail premises and on retailers’ websites to written authorised statements (other than permitted oral communications)? If not, what do you propose?

Click or tap here to enter text.

11. Do you support the proposed statements? If not, what do you propose?

Click or tap here to enter text.

12. Do you support limiting the format of these notices so that they are consistent with tobacco product notices? If not, what do you propose?

Click or tap here to enter text.

### 3.5 Product availability notices in retail premises

13. Do you support the proposal to align availability notices for vaping products with those for tobacco products? If not, what do you propose?

Click or tap here to enter text.

### 3.6 Point-of-sale information on purchase age

14. Do you agree there should be a requirement for retailers to display purchase age (R18) notices at each point-of-sale? If not, why not?

Click or tap here to enter text.

15. Do you support the proposed wording and presentation requirements? If not, what do you propose?

Click or tap here to enter text.

### 3.7 Suitably qualified health workers

16. Do you agree that no additional category of person should be added to the definition of ‘suitably qualified health worker’? If you do not agree, which category do you think should be added and why?

Click or tap here to enter text.

## Regulatory proposal 4: Packaging

17. Do you support the proposed wording of the health warning for vaping products? If not, what do you propose?

Click or tap here to enter text.

18. Do you agree with the proposed requirements for the health warning panel for vaping products? If not, what do you propose?

Click or tap here to enter text.

19. Do you support the proposed wording of the health warning for smokeless tobacco products? If not, what do you propose?

Click or tap here to enter text.

20. Do you agree with the proposed requirements for the health warning panel for smokeless tobacco products? If not, what do you propose?

Click or tap here to enter text.

21. Do you agree with the proposals for product presentation for vaping products? If not, what do you propose?

Click or tap here to enter text.

22. Do you agree with the safety messaging statements? If not, what changes to them do you suggest?

Click or tap here to enter text.

23. Do you agree with the proposals for product presentation for smokeless tobacco products? If not, what do you propose?

Click or tap here to enter text.

24. How much time do you think smokeless tobacco product manufacturers should have before they need to comply with new packaging requirements? Please give reasons.

Click or tap here to enter text.

25. Do you agree with the proposed instructions on and in the packaging? If not, what changes to them do you suggest?

Click or tap here to enter text.

26. Do you agree with allowing track and trace markings? If not, why not?

Click or tap here to enter text.

27. Do you support the proposal to restrict the quantity of smokeless tobacco sticks in a package to 20 or 25? If not, what do you propose?

Click or tap here to enter text.

28. How much time do you think manufacturers of vaping products and smokeless tobacco products should have before they need to comply with new packaging requirements? Please give reasons.

Click or tap here to enter text.

## Regulatory proposal 5: Product notification and safety

### 5.1 Product notification requirements

29. Do you agree that these are the right details for the Ministry of Health to collect for each notifier? If not, what changes would you make to the details collected?

Click or tap here to enter text.

30. Do you agree that the notifier should declare that they meet the current requirements of the Act? If not, what approach to enforcing the provisions of the Act do you suggest?

Click or tap here to enter text.

31. Do you agree that these are the right details for the Ministry of Health to collect for each notifiable product? If not, what changes would you make to the details collected?

Click or tap here to enter text.

32. Do you agree that the notifier should declare that each product meets the current requirements of the Act? If not, what approach to enforcing the provisions of the Act do you suggest?

Click or tap here to enter text.

### 5.2 Product safety requirements

33. Do you agree with our approach of basing product safety requirements on the EU and UK legislation and guidance? If not, what approach to our product safety requirements do you suggest we use?

Click or tap here to enter text.

34. Do you agree with the product controls we are proposing to include in the product safety requirements? If not, what changes to the areas that the product safety requirements cover do you suggest?

Click or tap here to enter text.

35. After reviewing our full proposal in Appendix A, do you agree with our proposed product safety requirements? If not, what changes to them do you suggest?

Click or tap here to enter text.

## Regulatory proposal 6: Annual reporting and returns

36. Do you support the proposals for manufacturers’ and importers’ annual sales reports? If not, what do you propose?

Click or tap here to enter text.

37. Do you support the proposals for specialist vape retailers’ annual sales reports? If not, what do you propose?

Click or tap here to enter text.

## Regulatory proposal 7: Fees

38. Do you agree the Ministry of Health should charge for the activities identified? If not, what activities do you suggest we charge for?

Click or tap here to enter text.

39. Do you agree with the way the fees are structured? If not, how should they be structured?

Click or tap here to enter text.

40. Do you agree with the level of each of the fees? If not, how much do you suggest the Ministry of Health should charge?

Click or tap here to enter text.

41. Do you agree with our assumptions on annual volumes of work? If not, what assumptions do you suggest we use?

Click or tap here to enter text.

42. How many products do you anticipate notifying yourself?

Click or tap here to enter text.

43. Are there additional issues relating to fees and charges that you would like us to consider?

Click or tap here to enter text.

44. Do you agree that we should reduce fees for very low-volume products? If not, how would you suggest the Ministry of Health handles very low-volume products?

Click or tap here to enter text.

45. How would you suggest we define very low-volume products?

Click or tap here to enter text.

46. Do you have suggestions for the design of any provisions, including suggestions for: (a) limits on the number of products that any notifier can have fee exemptions for (b) administrative efficiency (c) any other issues that might be associated with low-volume products?

Click or tap here to enter text.