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MINISTRY OF HEALTH

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8 February 2023

s 9(2)(a)

By email: s 9(2)(a)
Ref: H2023019556

Tēnā koe s 9(2)(a)

Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 25 January 2023 for information regarding a list of products in the Therapeutic Products Bill (the Bill). You requested:

> *"I see in the Therapeutic products bill you are trying to introduce an Enabling Bill, the type of Bill made famous by that most famous socialist Adolf Hitler. Via the OIA legislation, I require a full an entire list of the products you and all your corporate backers have in mind for the "products" in the Bill, and a complete list of all the other fascist or Hitler like policies you are wanting to implement. I'm sure the minion you have reading this will have enough brain cells to identify them as they effect their family a lot more than yours."*

The Bill would regulate all therapeutic products. This includes medicines, medical devices, active pharmaceutical ingredients, and natural health products. Whether a product is a therapeutic product will depend on whether it is intended for use for a therapeutic purpose. Clause 15 of the Bill lists a range of therapeutic purposes, and clause 17 defines 'intended for use for a therapeutic purpose'.

Contrary to some recent reports on social media, there is no list of prohibited ingredients in the current Bill, and no proposal to ban common herbs and spices used in cooking.

Between 2013 and 2017, a Permitted Substances list for NHPs was developed to accompany the draft Natural Health and Supplementary Products (NHSP) Bill. This list was not finalised and exists only in draft form. It has no relevance to the Therapeutic Products Bill. Work on the NHSP Bill ceased in 2017.

If the Therapeutic Products Bill passes, products, substances, and ingredients will be identified through subsequent secondary legislation and rules and regulations. This process will involve significant outreach and consultation with stakeholders and be undertaken with full transparency. Further information is available on the Ministry's website: www.health.govt.nz/our-work/regulation-health-and-disability-system/natural-health-products#faq.

You may wish to review clause 29 of the Bill, which defines what a natural health product (NHP) is, and clause 30, which describes at a very high level the kinds of substances that can be NHP ingredients. Clause 29 also provides that a product it is intended to be administered by injection or parenteral infusion cannot be a NHP (but it could be a medicine, for example). You can find a draft of the Bill at:www.legislation.govt.nz/bill/government/2022/0204/latest/DLM6914502.html.

Manatū Hauora responds to all official information requests made in good faith in accordance with the requirements of the OIA. However, the language and tone of your request lead us to question whether your request has been made in good faith. Rather than refuse your request as frivolous or vexatious at this stage, we are providing a response in line with section 13 of the Act. We invite you to consider submitting future requests in more appropriate terms.

I trust this information fulfils your request. Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā

Maree Roberts
Deputy Director General
Strategy, Policy and Legislation | Te Pou Rautaki