

# Briefing

## Cover brief for draft Cabinet paper - Smokefree 2025: progressing Coalition Agreement commitments

<b>Date due to MO:</b>	22 February 2024	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	H2024036577
<b>To:</b>	Hon Casey Costello, Associate Minister of Health		
<b>Copy to:</b>	Hon Dr Shane Reti, Minister of Health		
<b>Consulted:</b>	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

### Contact for telephone discussion

Name	Position	Telephone
<b>Dr Andrew Old</b>	Deputy Director-General, Public Health Agency   Te Pou Hauora Tūmatanui	s 9(2)(a)
<b>Jane Chambers</b>	Group Manager, Policy and Regulation, Public Health Agency   Te Pou Hauora Tūmatanui	s 9(2)(a)

### Minister's office to complete:

- |   |                                    |  |
|---|------------------------------------|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Decline   | <input type="checkbox"/> Noted               |
| <input type="checkbox"/> Needs change         | <input type="checkbox"/> Seen      | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn |  |

Comment:

# Cover brief for draft Cabinet paper - Smokefree 2025: progressing Coalition Agreement commitments

---

**Security level:** IN CONFIDENCE      **Date:** 22 February 2024

---

**To:** Hon Casey Costello, Associate Minister of Health

---

## Purpose of report

1. This report provides you with an updated draft Cabinet paper (Smokefree 2025: progressing Coalition Agreement commitments), in accordance with your feedback. The paper includes the changes provided by your Office on 20 February 2024, as well as some technical updates and additional text as requested.
2. This report also outlines several areas for consideration and/or clarification.

## Points for consideration

3. The timeframes for amending the regulation commencement dates and excise changes are challenging. s 9(2)(h) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
4. We note the split recommendations (recommendations 12 and 13) regarding the banning of disposable vapes. You may wish to raise this matter directly with the Minister for the Environment prior to taking the paper to Cabinet. Pending the outcome of these discussions, we can amend the recommendation prior to lodging.
5. We note that Clause 15 of Schedule 5 of the Smokefree Regulations (relating to the maximum allowable nicotine concentration) is subject to an appeal from 3 related vaping companies namely, Alt, VEC, and Myriad Pharmaceuticals Ltd. Deferment may have an impact on the outcome of the appeal. s 9(2)(h) [REDACTED]  
[REDACTED]

## Points for clarification

6. We have listed all the vaping product regulations that are coming into force on 21 March in paragraph 29 of the draft Cabinet paper. Can you please confirm which of these are intended to be deferred until 21 March 2026. We will update the paper accordingly.
7. Can you also please confirm that all requirements for disposable vapes remain (as referenced in paragraph 31 of the draft Cabinet paper).

## Other considerations

8. We have deleted reference to the number of infringements issues in paragraph 52.3 (as it did not accurately capture the whole picture of compliance activities).

9. s 9(2)(h)



10. We have made some other minor and technical wording changes for clarity and accuracy.

## Next steps

11. The Ministry will update the draft Cabinet paper based on your feedback, prior to circulating to departmental agencies for feedback, prior to lodging.

## Recommendations

We recommend you:

- a) **Confirm** the vaping product regulations that are intended to be deferred until 21 March 2024 (as referenced in paragraph 29 in the Cabinet paper). **Yes/No**
- b) **Confirm** that all requirements for disposable vapes remain (as referenced in paragraph 31). **Yes/No**
- c) **Approve**, subject to any changes, the release of the draft Cabinet paper for departmental consultation. **Yes/No**

Dr Andrew Old  
**Deputy Director-General  
Public Health Agency**

Date: 22 February 2024

Hon Casey Costello  
**Associate Minister of Health**

Date:

ENDS.

## Minister's Notes

PROACTIVELY RELEASED