

Aide-Mémoire

Meeting with Action for Smokefree 2025 (ASH) on 20 December 2023

Date due to MO:	19 December 2023	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	H2023034199
To:	Hon Casey Costello, Associate Minister of Health		
Consulted:	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

Contact for telephone discussion

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

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Meeting with Action for Smokefree 2025 (ASH) on 20 December 2023

Date due: 19 December 2023

To: Hon Casey Costello, Associate Minister of Health

Security level: IN CONFIDENCE **Health Report number:** H2023034199

Details of meeting: 20 December 2023, 12.00-12.30pm
Room 2-061 Parliament House

- Purpose of Meeting:**
- On 4 December 2023, Emeritus Professor Robert Beaglehole and Ben Youdan (as representatives of Action for Smokefree 2025 (ASH)) wrote to:
 - congratulate you on your appointment as Associate Minister of Health
 - suggest a meeting to discuss options regarding the repeal of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 (the Amendment Act).
 - In the letter, they noted:
 - their support for New Zealand First's proposal to improve access to other safer alternatives to smoked tobacco that have been shown to help people stop smoking
 - that several of the amendments made by the Amendment Act can be used to support the goals of the coalition government – specifically regulatory powers that license retailers, strengthen penalties and enforcement of sales to minors, and tighten regulations on vaping products.

Attendees

ASH representatives

- Emeritus Professor Robert Beaglehole, ASH Chair
- Ben Youdan, Director
- See appendix for attendee profiles.

Official attending

- Jane Chambers (Group Manager, Public Health Policy and Regulation, Public Health Agency | Te Pou Hauora Tūmatanui)

About the organisation

- ASH is an independent non-government organisation advocating for evidence based, ethical and effective actions to achieve Smokefree 2025.
- ASH has been in existence for 38 years and was established to politicise the tobacco issue and advocate for change, particularly through legislation and education to eliminate disease and premature death in New Zealand caused by cigarette smoking.
- ASH is generally in favour of smokefree measures but has been critical of some parts of the previous government policy in relation to the Amendment Act, for example not supporting the policy to introduce a smokefree generation in their submission.
- Professor Robert Beaglehole has also independently criticised various aspects of smokefree policy.
- ASH's supports the use of vaping to help smokers to quit.
- ASH undertakes research, including an annual survey of smoking and vaping behaviour in year 10 students. This survey is the largest of its type in New Zealand, covering between 20,000 – 30,000 students. The survey is funded by the Ministry of Health, via the Health Promotion Agency | Te Hiringa Hauora, as part of the New Zealand Youth Tobacco Monitor.

Comment:

- This aide-mémoire discloses all relevant information.



Jane Chambers
Group Manager, Public Health Policy and Regulation
Public Health Agency | Te Pou Hauora Tūmatanui

Talking points

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PROACTIVELY RELEASED

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⁸ Action for Smokefree 2025 (ASH). 2023. ASH Year 10 Snapshot Survey 2023 Topline – Youth smoking and vaping. Available from: <http://ash.org.nz>

Appendix 1: Profiles of attendees

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PROACTIVELY RELEASED

Appendix 2: Letter proposing meeting



4 December 2023
By Email

RE: Next steps for smokefree legislation.

Dear Minister Costello,

Congratulations on your Ministerial appointment.

We understand that your work portfolio will include the repeal of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022. We would like to urgently discuss the next steps before this process enters parliament.

ASH agrees with your concerns about nicotine addiction, and the impact of tobacco in New Zealand's most marginalised communities when smoking rates remain high. ASH also supports New Zealand First's proposal to improve access to other safer alternatives to smoked tobacco that have been shown to help people stop smoking.

Despite headlines about repealing the 2022 Act, we also note that Coalition agreements specifically focus on the repealing only the three major policies of a smokefree generation, denicotinisation and the planned reduction in retail outlets.

A complete repeal of the Act would remove several provisions that can be used to achieve the goals of the Coalition, and that are consistent with harm proportionate regulations of smoked tobacco vs less harmful alternatives. This includes regulatory powers that essentially license retailers, strengthen penalties and enforcement of sales to minors, and tighten regulations on vaping products.

Smoking rates are falling at record rates, and like you, ASH is committed to sustaining this momentum towards the Smokefree 2025 goal. With proper consideration we believe that reform of the Act can be done in a way that would satisfy Government partners, protect important regulations and laws, and support access by adult smokers to safer alternatives to cigarettes.

We hope we can meet to discuss options urgently, and constructively at your earliest convenience before the repeal of the 2022 Act enters parliament.

With kind regards

Robert Beaglehole
Chair

Ben Youdan
Director

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ASH New Zealand. 9 Kalmia Street, Ellerslie, Auckland

Appendix 3: Selected ASH press releases

Media release: Legislation Not Enough To Achieve Smokefree 2025 (28 July 2023)

The Government should be congratulated on its commitment to Smokefree 2025. However, it's three legislative measures to achieve 95% of New Zealanders being smokefree won't be enough to reach the goal in three years' time, says ASH Action for Smokefree 2025.

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill has just passed its first reading in Parliament and will be sent to the Health Select Committee for consideration.

ASH chair Professor Robert Beaglehole says Smokefree 2025 is in sight, as long as the Government commits to stronger measures to support the 380,000 New Zealanders who still smoke daily, most of whom want to quit.

"To reach the Smokefree 2025 goal fairly, we need to reduce smoking rates by up to three-quarters for the poorest New Zealanders – more than half of whom will likely still die as a result of smoking. Overall, we need to help about 50,000 adults successfully quit smoking tobacco each year.

The Bill is part of the Government's wider plan for a Smokefree 2025. "It is great to see proposed laws that set out an endgame for smoked tobacco. However, the clock is ticking and ASH urges the Government to urgently deliver the non-legislative measures in their Smokefree Aotearoa 2025 Action Plan. The measures that empower communities, increase quitting and encourage smokers to switch to less harmful, and cheaper, alternatives will significantly accelerate progress to 2025.

"The proposal to create a 'smokefree generation' by banning the purchase of tobacco to people born after January 2009 will not come into effect until 2027 and will take until 2030 before sales to those under 21 are banned and New Zealand comes into line with countries like the United States.

"The Health Select Committee will carefully scrutinise the relevance and impact of this proposed measure. Banning the sale of tobacco to a 'smokefree generation' is trying to fix something that's already a success story because only 1% of young teenagers smoke daily. In fact there are only around 3000 underage smokers in New Zealand, and this number continues to drop.

"The Bill also seeks to reduce the availability of smoked tobacco products, based on an assumption that dependent smokers will respond rationally and there will be a fall in demand for cigarettes. However, lessons from illicit drugs, alcohol and problem gambling must be heeded to ensure a rapid reduction in supply doesn't worsen inequalities and punish dependent smokers, especially those in deprived communities."

The Bill proposes to remove nicotine from cigarettes. "In doing so, the Government must minimise harm for smokers who are unable or unwilling to quit, and ensure they are not penalised for their addiction. This includes access to less harmful alternatives such as vaping, and ensuring there is still some access to regular cigarettes for people who simply cannot quit without turning to illicit supply.

"It is encouraging that the Bill puts powers to reduce nicotine in cigarettes and reduce retail supply of cigarette into regulations rather than primary legislation. This regulatory approach allows policymakers to regularly review the impact of proposed measures, and adapt and respond to any adverse consequences of this legislation on health equity and overall wellbeing.

"The last 30 years of tobacco policy has successfully reduced smoking overall, particularly for the least deprived members of society, but health survey data has shown increasing inequity in smoked tobacco use".

"Aotearoa New Zealand can reach the Smokefree 2025 goal quickly and fairly by building on recent successes which have dramatically increased the shift to much less harmful e-cigarettes by adult smokers and continued to see record declines in young smokers," Prof Beaglehole says.

ASH believes three further actions are required to reach Smokefree 2025:

1. Ongoing and sustained campaigns to increase successful quitting using all available means, including vaping
2. Empowering community-led initiatives to support and encourage people struggling to quit.
3. Tracking smoking trends to ensure reversal of the unfairness of past tobacco control measures.

"If the Government accelerates and adequately resources the simpler and fairer policies, all groups will get close to the Smokefree goal by the end of 2025 – and the other more complex policies may not even be needed," Prof Beaglehole says.

By the numbers:

- 380,000 New Zealanders still smoke cigarettes.
- 99% of smokers are over 18, and 90% are 25 or older.
- Since 2015, the rate of decline in smoking prevalence for people aged 15-14 has been almost three times the rate of decline for people aged 25 and older.
- Cigarette smoking causes 5,000 deaths a year – that's 14 preventable deaths every day.
- Around one in 10 adults smoke cigarettes daily, but this rises to one in four among the lowest income New Zealanders.
- The ASH Year 10 Survey has found daily teenage smoking has fallen from 15% in 1999 to 1.3% in 2021.

Media release: Raising Vape Sale Age To 21 Among Recommendations From ASH To Tackle Youth Vaping Numbers (8 May 2023)

Action for Smokefree 2025 (ASH) has outlined new proposals to help tackle youth vaping in New Zealand.

“We do not want young people, most of whom have never smoked, to vape, but youth vaping is not a simple ‘one size fits all’ problem,” ASH Director Ben Youdan says.

Most young people who vape are not addicted, but are experimenters, or occasional users vaping weekly or less. Some will experience cravings that start to interrupt their thinking, and a minority will struggle with withdrawal to a point that it affects daily functioning.

“We need to balance preventing non-smoking young people from vaping, but at the same time support addicted adults who smoke to switch to vaping, as they are at a great risk of dying from tobacco use,” Mr Youdan says. Smoking remains responsible for the death of almost 5000 Kiwis each year in Aotearoa.

ASH says we therefore need a response that adapts to youth needs. This includes skills to navigate the social availability and influences of vaping, and supportive interventions for people struggling with dependence.

“We would strongly discourage the Australian approach of banning vaping outside of prescription but leaving cigarettes for sale everywhere. This policy will prolong the life of the tobacco industry there and leave nicotine users with only the most dangerous choice. Cigarette companies will be thanking the Australian health minister for protecting their patch. ““Instead, we should draw on decades of lessons from drug harm reduction, and do what we know works, not follow dangerous experiments in Australia” says Mr Youdan.

ASH encourages the Government to take three actions:

1. Strengthen and enforce current regulations on marketing, access and sales of vapes to protect young people, this includes raising the age restriction to 21 years old.
2. Reduce the appeal of vapes to children and emphasise that vapes are helping adults addicted to smoking quit
3. Provide resources to teachers and others working with and caring for young people to support vaping prevention and cessation

New Zealand was late in enacting vaping regulations in November 2020. In the six years before vaping legislation was implemented, daily vaping increased from 1% to almost 10% for Year 10 students and from 1% to 18.6% for under 25s.

ASH is concerned about these levels, but notes that since the regulations were introduced in August 2021, the rate of increase in daily vaping in youth has slowed markedly and was just over ten percent (10.1%) last year, and regular vaping, defined as at least once a month, has decreased. This suggests that the regulations are starting to have an impact.

ASH's recommendations aim to improve prevention in the first place, through strict implementation of the regulations and greater support for young vapers.

Other key points from ASH's recommendations paper

- After 15 years of vaping in NZ there have been no documented cases of chronic health impacts in people who have vaped for many years
- Most vapes in New Zealand contain nicotine, but nicotine in vapes does not pose serious health risks. However, it can create dependence in some young, never-smokers who vape
- International evidence suggests that most young vapers who have never smoked are only occasional users or experimental users and do not show signs of dependence
- There is no evidence that vaping is acting as a gateway into youth smoking. Data from the ASH year 10 survey, and the New Zealand Health Survey show that youth smoking rates continue to decline, despite increased vaping

Vaping and quitting smoking

Record rates of declining adult smoking in Aotearoa are linked to a rapid rise in adult vaping, the greatest year-on-year decline in smoking in a generation occurred last year. Many early deaths are being avoided as tens of thousands of smokers have switched to the much less harmful, and less expensive, products.

With New Zealand's health system already under immense strain, encouraging and supporting adults who smoke to quit is a win-win situation – helping them and reducing the burden on the health services.

ASH strongly discourages punitive approaches or actions which ostracize young people. Decades of evidence from smoking, drug and alcohol interventions show that these approaches can increase harm by making the behaviour covert and discouraging people from seeking help.

Supporting schools

Many schools report that vaping is a significant issue and that they are not well equipped to deal with the problem, so schools are often conflicted between punitive approaches and those that build positive relationships with students.

Our recommendations include resources and advice for schools which are based on proven best practice and evidence around mana-enhancing approaches to young people's health and well-being.

ASH's new [position statement and recommendations on youth vaping can be found here.](#)

Media release: ASH supports new smoking legislation but urges the Government to now give more help to smokers to quit (13 December 2022)

ASH supports today's final reading of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill in Parliament, but is urging the Government to keep building on successful current measures to achieve a smokefree New Zealand by 2025.

The Bill introduces three major smoking policies seeking to end smoking in Aotearoa:

- Banning the sale of smoked tobacco to anyone born after 1 January 2009
- Mandating very low nicotine levels in smoked tobacco products to make them non-addictive
- A reduction in smoked tobacco outlets to 600 down from the current 5000 outlets

"These major legislative changes are unlikely to come into force before 2025. They might prevent people taking up smoking in future, but there remains an immediate priority to help hundreds of thousands of Kiwis who need urgent support to quit smoking before they face forced withdrawal when these policies take effect" says ASH Chair, Professor Robert Beaglehole.

"The recent New Zealand Health Survey shows the rate of smoking is already declining faster than ever, putting us on track for Smokefree 2025, with a daily smoking rate of less than 5%. In the last few years increased vaping's been more disruptive to smoking than any policy of the last 2 decades, correlating with a 30% decline in smoking by wāhine Māori in the last 2 years alone. This is all in the absence of any 'endgame' policy" says Prof Beaglehole.

Our recent Year 10 survey results continue to show record lows, with only around 700 students (aged 14-15 years old) smoking daily in Aotearoa.

"Banning the sale of tobacco to a 'smokefree generation' born after 1 January 2009 is trying to fix something that's already a success story, because only 1% of young teenagers smoke daily. The policy challenge is no longer the youth uptake of smoking, but striking the balance between helping adult smokers access safer alternatives, and preventing our youth taking up vaping."

"The legislation's been rushed through Parliament. Whilst there's a case for forced endgame measures for smoked tobacco, we're concerned that there hasn't been adequate scrutiny of these untested measures, especially when they'll impact thousands of people who are already addicted to smoking. There's also a risk from unintended consequences, such as growth in the black market."

"Lessons from dealing with illicit drugs, alcohol and problem gambling, show the need to ensure a rapid reduction in supply doesn't worsen inequalities, and doesn't punish dependent smokers, especially those in deprived communities" says Prof Beaglehole.

The legislation embeds low nicotine levels, and a sales cap on cigarette retail outlets. ASH would prefer to see measures such as nicotine levels and shop limits in regulation. This would be far more consistent with delivering untested policy in a responsible way. Using primary legislation is a high-risk approach to experimental policies.

The legislation also proposes an evaluation after 6 years. “This is far too long to wait for policies that are untested on a population, and are likely to have significant unplanned consequences. The potential impact of the new measures on smoking, social justice and illicit trade should be reviewed annually. It is unfair and unjust not to monitor them more regularly, and we should be prepared to modify the approach if it is either not working, or causing harm” says Prof Beaglehole.

330,000 New Zealanders still smoke daily and smoking rates need to be reduced by up to three-quarters in our poorest communities. More than half of people in these groups will likely still die as a result of smoking. Around 50,000 adults need support to successfully quit smoking tobacco each year.

ASH urges the Government to build on the success of recent and rapid declines in adults and children smoking by urgently focusing on:

- Sustained campaigns to increase quitting by all available methods
- Community-led initiatives for people struggling to quit through alternatives such as vaping and other less harmful means
- More regular tracking of smoking trends to ensure a reversal of the unfairness of past tobacco control measures.

ASH believes that to be fair, the government must avoid further penalizing the people we are trying to protect and help, people who smoke cigarettes.

For more comment or questions please don't hesitate to contact:

ASH Chair Professor Robert Beaglehole – s 9(2)(a)