

Aide-Mémoire

Meeting with Action for Smokefree 2025 (ASH) on 21 February 2024

Date due to MO:	20 February 2024	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	H2024036275
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
Jane Chambers	Group Manager, Public Health Policy and Regulation, Public Health Agency Te Pou Hauora Tūmatanui	s 9(2)(a)
Emma Hindson	Manager, Ope Ōpiki, Public Health Policy and Regulation, Public Health Agency Te Pou Hauora Tūmatanui	s 9(2)(a)

Aide-Mémoire

Meeting with Action for Smokefree 2025 (ASH) on 21 February 2024

Date due: 20 February 2024

To: Hon Casey Costello, Associate Minister of Health

Security level: IN CONFIDENCE

Health Report number: H2024036275

Details of meeting:

- Wednesday, 21 February 2024, 9.30am-10.00am.
- Room 2-062 Parliament House.

Purpose of meeting/proposal:

- On 16 February 2024 Ben Youdan, on behalf of Emeritus Professor Robert Beaglehole and as representatives of Action for Smokefree 2025 (ASH), wrote to:
 - thank you for meeting with ASH in December 2023
 - request a meeting to further 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:
 - the reiteration of their position to support evidence based and effective ways forward, and to do so in a way that is achievable and fair to all New Zealanders
 - their attachment, a pre-prepared 2-page summary with ASH's views on next steps.

Attendees: ASH representatives

- Emeritus Professor Robert Beaglehole, ASH Chair
- Ben Youdan, Director

See Appendix 1 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's 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 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

s 9(2)(g)(i)

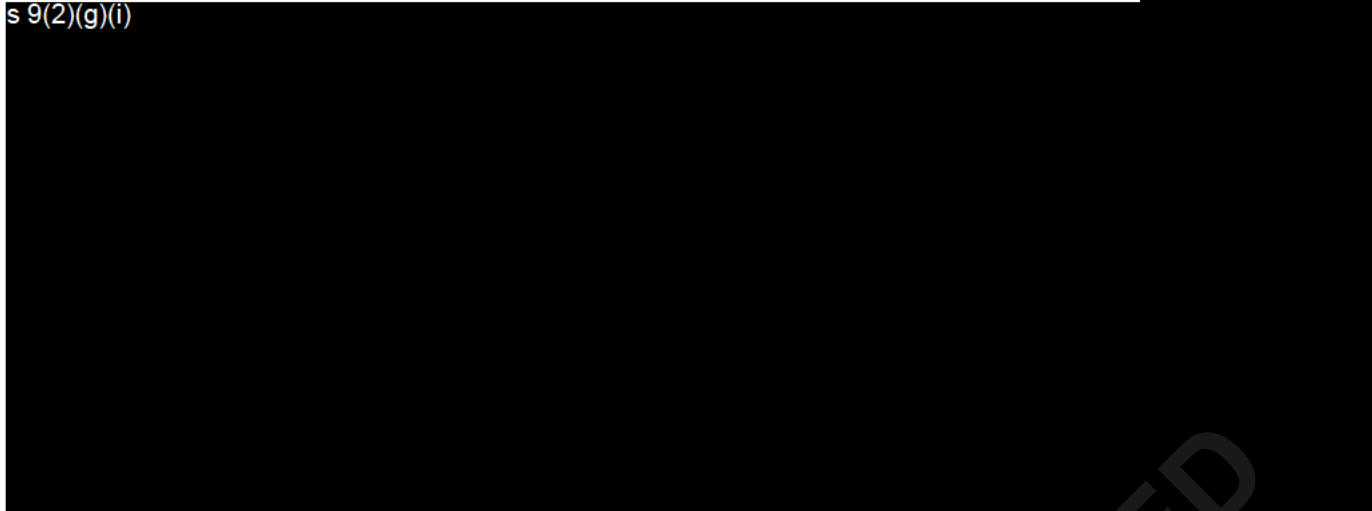
PROACTIVELY RELEASED

¹ [A smokefree generation won't get us to smokefree - ASH NZ](#)

s 9(2)(g)(i)

PROACTIVELY RELEASED

s 9(2)(g)(i)



PROACTIVELY RELEASED

Appendix 1: Profiles of attendees

s 9(2)(g)(i)



Appendix 2: Op-ed article by Robert Beaglehole and Ben Youdan in NZ Herald: Smokefree laws: New Zealand well on track to be smokefree next year (11 Jan 2024)²

Our decline in [smoking](#) in the past four years is extraordinary - equivalent to what took two decades to achieve. New Zealand has recently had some of the most dramatic decreases in smoking in the world, including for Māori and highly deprived groups.

Last month, the New Zealand Health Survey showed the daily smoking rate is now down to 6.8 per cent in adults, half the rate in 2018; almost a quarter of a million fewer Kiwis are now [smoking daily](#), and it puts us in a tiny club of countries that have smoking rates under 7 per cent.

What we have in common with these successful countries is people switching from smoked tobacco to less harmful alternatives. The dramatic declines are accompanied by large uptakes in vaping, leading to a tsunami of 75,000 quitters in Aotearoa in the past year. To reach the smoking goal of 5 per cent or less (that is, 95 per cent or more of all adults being “smokefree”), around 100,000 smokers need to quit over the next two years.

The unprecedented progress shown in the New Zealand Health Survey should have been a cause to celebrate. Still, concern at the [coalition Government’s intention](#) to repeal the 2022 [Smokefree legislation](#) overshadowed this remarkable achievement.

Many have claimed this repeal would jeopardise the Smokefree 2025 goal. However, this is simply not the case. Predictive modelling, which contributed to the scientific underpinning of the legislation, indicated that it would take until 2040 to get smoking rates down to 8 per cent without the law. The reality is that we have already exceeded this expectation. And a closer look reveals that the three headline measures in the act were unlikely to have any impact before 2025.

For a start, the highly touted “smokefree generation” has already been achieved for people under 25. Only 3 per cent of people aged 15–24 smoked daily in 2022/23, a quarter of the rate only four years ago. Besides, the age restrictions in the act wouldn’t have taken effect until 2027.

The nature of addiction is that demand does not respond rationally to reducing supply. While ever the demand for cigarettes remains high, abruptly limiting tobacco outlets on July 1, 2024 from 6000 to 600 would not significantly impact smoking rates but could penalise the almost 300,000 people still dependent on cigarettes. In addition, a sudden and dramatic 90 per cent reduction in retail outlets from around 6000 to 600 is likely to cause unnecessary chaos, especially in Auckland, with only 30 outlets allocated for about 90,000 people who smoke; each outlet would have to serve on average, approximately two customers every minute.

Finally, removing nicotine from all cigarettes (“denicotinisation”), slated for April 2025, is a de facto ban. The policy is untested at a national level and might not be the game-changer it’s claimed to be. Whether cigarettes stripped of nicotine will encourage people to stop completely, switch to vapes, or resort to criminally supplied regular cigarettes is not known. People smoke for the nicotine released in the burnt tobacco but die from the toxins in the smoke. Understandably, cigarettes without nicotine are not proving popular, and the major US supplier of denicotinised cigarettes is facing financial problems.

² <https://www.nzherald.co.nz/nz/smokefree-laws-new-zealand-is-well-on-track-to-be-smokefree-next-year/XECMRVXB6JCMFIAQCDAK2SL6U/>

The Government emphasises its commitment to reducing smoking rates, particularly by promoting vaping as a safer and more affordable alternative. Vaping could save households up to \$5000 per smoker annually, particularly benefiting people in lower-income brackets.

To move forward and convince opponents of repeal that it is serious about its smokefree commitment, the Government must present a robust action plan involving both legislative and non-legislative actions. The focus must be on people with high smoking rates, which include Māori, Pasifika, older people and the most disadvantaged; half of all people who smoke live in the most deprived households in our society.

Legislative options for the Government include outright repeal, revisiting the policy later, or introducing an improved Smokefree Environments Amendment Bill. Ideally, the third option would involve retaining the retail licensing system, legalising a greater variety of safer nicotine products such as snus and nicotine pouches, and gradually reducing retail outlets over time, with a focus on fair access for adults who smoke.

Regardless of the option chosen, the Government can immediately implement necessary non-legislative measures, including:

1. Enforcing penalties for sales of both cigarettes and vapes to underage people.
2. Including vaping as the most effective and cheapest cessation tool in all cessation programmes.
3. Promoting information campaigns to encourage reduced-harm products for adults and correct misinformation and stigma about vaping while protecting children from starting vaping.
4. Ensuring that all health professionals and stop-smoking services offer reduced harm products and promote successful "swap to quit" schemes based on the UK model.
5. Scanning all imported containers at the border to control illicit trade and reduce tobacco crime and loss of government revenue.

With these comprehensive measures, and even in the absence of the Smokefree 2022 legislation, the coalition Government can achieve the Smokefree 2025 goal, re-enforcing New Zealand's reputation as a world leader in tobacco control.

Robert Beaglehole, chair, and Ben Youdan, director from Action for Smokefree 2025

Appendix 3: Letter requesting meeting

Tēnā koe Minister,

Thank you meeting with myself and Professor Beaglehole late last year to talk about the smokefree legislation.

We are conscious this is a very charged topic at present, and that the public debate is increasingly distracted.

Professor Beaglehole and I would like re-iterate that our position is to support evidence based and effective ways forward, and to do so in a way that is achievable and fair to all New Zealanders, We have prepared a 2 page summary with ASH's views on next steps.

We are very conscious of the time frames for the Smokefree policy reforms, and politely request an opportunity to meet again and discuss options before the repeal is tabled in the house.

Ngā mihi,

Ben Youdan
Director
ASH

PROACTIVELY RELEASED

Appendix 4: Email Attachment 16 February 2024, ASH: Achieving Smokefree 2025



Achieving Smokefree 2025

This briefing proposes several evidence-based actions that will support the Government achieve the goal of less than 5% adult daily smoking by 2025 and address youth vaping.

Achieving the Smokefree Goal for everyone

The Smokefree 2025 goal of under 5% adult daily smoking rate for everyone can be achieved if recent momentum is sustained and, in particular, for the groups making most recent progress, Māori and low income people.

Adult (15+) smoking prevalence has reduced by 40% since 2018, double the rate achieved in the previous decade and largely associated with people switching to vaping. Most impressive is the huge decline in people under 25 who smoke daily from 12% in 2018 to only 3% in 2022, and Māori women from 32% in 2018 to 17.5% in 2022.

The following principles inform ASH's positions

- People smoke for nicotine, but die from the smoke.
- Prioritise actions based on high quality evidence.
- Vapes, snus, nicotine pouches and heated tobacco provide nicotine with a small fraction of the harms of smoking and should be regulated in line with these reduced harms
- For untested actions with high level of uncertainty we encourage secondary legislation (regulation) which allows for greater flexibility in adjusting policies for intended and unintended consequences.

ASH recommends the following actions to sustain momentum and achieve the goal for everyone:

1. Reform rather than repeal of the 2022 legislation
2. Improve the way adults who smoke access and use reduced harm products
3. Strengthen youth access restrictions for vaping products
4. Review and strengthen the Vaping Regulatory Authority.

1. Reform rather than repeal the 2022 legislation:

ASH notes the Coalition Government's commitment to repeal the three main provisions of the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022; the Smokefree Generation, rapid reduction in tobacco retail outlets to 600, and denicotinisation of cigarettes. ASH suggests the following reforms:

Smokefree Generation:

Replace Smokefree generation with a purchase age for cigarettes of 21 with immediate effect.

Capping tobacco retailers at 600:

Retain a tobacco retail licencing scheme managed through regulation. This should set standards and criteria for selling tobacco:

- Remove the provision in the Act that prevents general retailers from encouraging customers who smoke to switch to less harmful alternates
- Increase the range of vape flavours available in general retailers from the current mint, menthol and tobacco to include 2-3 flavours popular with adults who vape to quit

- Allow for a sinking lid on the number of licences based on appropriate criteria. For example, non-renewal of expired or lost licences, pro-rated with declining smoking, public safety etc.

Mandatory denicotinsation of smoked tobacco

In place of mandated denicotinsation, create regulatory process for smoked tobacco that allows for product standards and constituents to be set in the future. For example following the US Menthol ban, synthetic filters and nicotine content. Improve the way adults who smoke access less harmful products

2. Improve the way adults who smoke access and use reduced harm products

There is compelling evidence that vaping is more effective for stopping smoking than pharmacological stop smoking aids; this evidence is supported by real world observations. The Government should:

- Ensure that all health professionals and stop-smoking services offer subsidised reduced harm products as first line cessation treatment.
- Subsidise community harm reduction programmes that support adults who smoke to switch to vaping, and eventually to quit based, for example, on the successful “swap to quit” in the UK
- Promote campaigns encouraging the use of lower harm products for adults and to correct misinformation and stigma about vaping, while protecting children from starting vaping.

3. Protecting children from starting to vape requires:

- Mandatory age verification for vape sales for anyone looking under 25 and standardised systems for age verification to access online vape sales
- More vigorous enforcement of the ban on sales of vaping (and tobacco) products with stiffer penalties for retailers caught supplying children, including de-registration as a seller
- Strengthen the regulation of advertising and promotion of vaping at the point of sale
- Supporting vaping cessation for children who are clinically dependent
- Using evidence-based and age-appropriate health and well-being approaches that support teachers, school boards and young people and discourage punitive approaches that may increase harm.

4. Review and strengthen the Vaping Regulatory Authority

We support holding the vape industry is held to a high standard and to account. However, ASH has concerns about the Vaping Regulatory Authority’s ability to do this. For example, the VRA last met with representatives of the industry they regulate in October 2021, almost 2 and half years ago. Confusing directives around nicotine content in certain products have resulted in considerable cost to the Crown in legal fees, and an industry that lacks confidence in the regulatory body. The Government should:

- Review the vaping authority, their processes, their basic understanding of products, and work to build trust in their ability to regulate effectively.
- Ensure the regulator has access to sufficient technical expertise on vaping products, including reinstating the Ministry of Health Technical Advisory Group on Electronic Cigarettes. The integrity of this process can be protected through improved transparency from the VRA and adherence to the Framework Convention on Tobacco Control recommendations.

In summary, the smokefree goal is achievable. ASH encourages the Government to urgently assert an ongoing commitment to achieving the goal and, if it repeals the 2022 legislation, an alternative action plan to achieve it.

Action for Smokefree 2025

February 2024

ashnz@ash.org.nz