

Aide-Mémoire

Meeting with Dairy and Business Owners Group Chair, Sunny Kaushal

Date due to MO: 3 April 2024

Action required by: N/A

Security level: IN CONFIDENCE

Health Report number: H2024037082

To: Hon Casey Costello, Associate Minister of Health

Contact for telephone discussion

Name	Position	Telephone
Jane Chambers	Group Manager, Public Health Policy and Regulation, Public Health Agency – Te Pou Hauora Tūmatanui	§ 9(2)(a)
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Meeting with Dairy and Business Owners Group Chair, Sunny Kaushal

Date due: 3 April 2024

To: Hon Casey Costello, Associate Minister of Health

Security level: IN CONFIDENCE **Health Report number:** H2024037082

Details of meeting: Date: Friday 5 April 2024
Time: 1:00 – 1:30pm
Venue: TBC

**Purpose of meeting/
proposal:** You have accepted a request from Sunny Kaushal, Chair of the Dairy and Business Owners Group, to meet with you to discuss vaping retail laws.

Comment: **Further points**

- This aide-mémoire discloses all relevant information.
- Jane Chambers, Group Manager, Public Health Policy and Regulation, is available to attend this meeting.



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

Meeting with Dairy and Business Owners Group Chair, Sunny Kaushal

Background and context

- The Dairy and Business Owners Group is a national membership advocacy organisation for small, owner-operated businesses such as dairies, liquor stores, and petrol stations.
- The Chair of the Dairy and Business Owners Group, Sunny Kaushal, wrote to you on 18 December 2023 to request a meeting.
- Mr Kaushal wrote to you again on 28 February 2024 (as well as a number of your Ministerial colleagues), requesting urgent changes to the recently passed Smokefree Environments and Regulated Products Amendment Act 2024 (the Act).

Further information

- The Dairy and Business Owners Group advocates for small business owners, many of which are classified as 'general retailers' under the Act.
- Mr Kaushal is commonly interviewed in the media on behalf of the Dairy and Business Owners Group.
- Mr Kaushal is the board member of the National Retail Group, which was established as an attempt to enter the wholesale grocery market. As of September 2023, the National Retail Group held an exclusive domestic distribution agreement with 22nd Century, a company that manufactures very low nicotine cigarettes. He may therefore also wish to explore future policy settings for low nicotine cigarettes.
- Mr Kaushal has previously proposed that general retailers be allowed to advertise and promote vaping products to potential customers both verbally and in writing (such as brochures and posters), and that fines for general retailers breaching the law be reduced.
- The legislative provision allowing verbal promotion of vaping products by specialist vape retailers (SVRs) only was inserted as SVRs were intended to be specialist stores that could provide detailed advice to users. General retailers were not expected to have the same specialist knowledge. Cabinet has agreed in principle to make changes to vape retailing regulations that would allow retail staff in all stores to encourage customers buying cigarettes to try vaping.
- Mr Kaushal is asking for the following amendments to the Act: one regarding refunds for smoked tobacco retailer applicants, and one that would exempt general retailers from the requirement for retailers of regulated products to provide sales information to the Ministry of Health. You agreed to retain this provision following advice from officials provided in December 2023.

Likely topics for discussion

- Mr Kaushal wishes to discuss tobacco excise tax and vaping laws.
- He is likely to discuss increasing the number of flavours general retailers can sell (currently only mint, menthol and tobacco), and allowing them to discuss/advertise vape products to actual and potential customers.
- He is likely to discuss refunding of fees for applicants to the smoked tobacco retail scheme.
- He is likely to discuss retail crime for small businesses selling tobacco products.

Areas of concern, issues and risks

- The Dairy and Business Owners Group has a significant public profile. Any information shared with the group's representative(s) is likely to be made public.
- There are no further specific areas of concern, issues, or risk.

PROACTIVELY RELEASED

Talking Points for Meeting with Dairy and Business Owners Group Chair, Sunny Kaushal

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