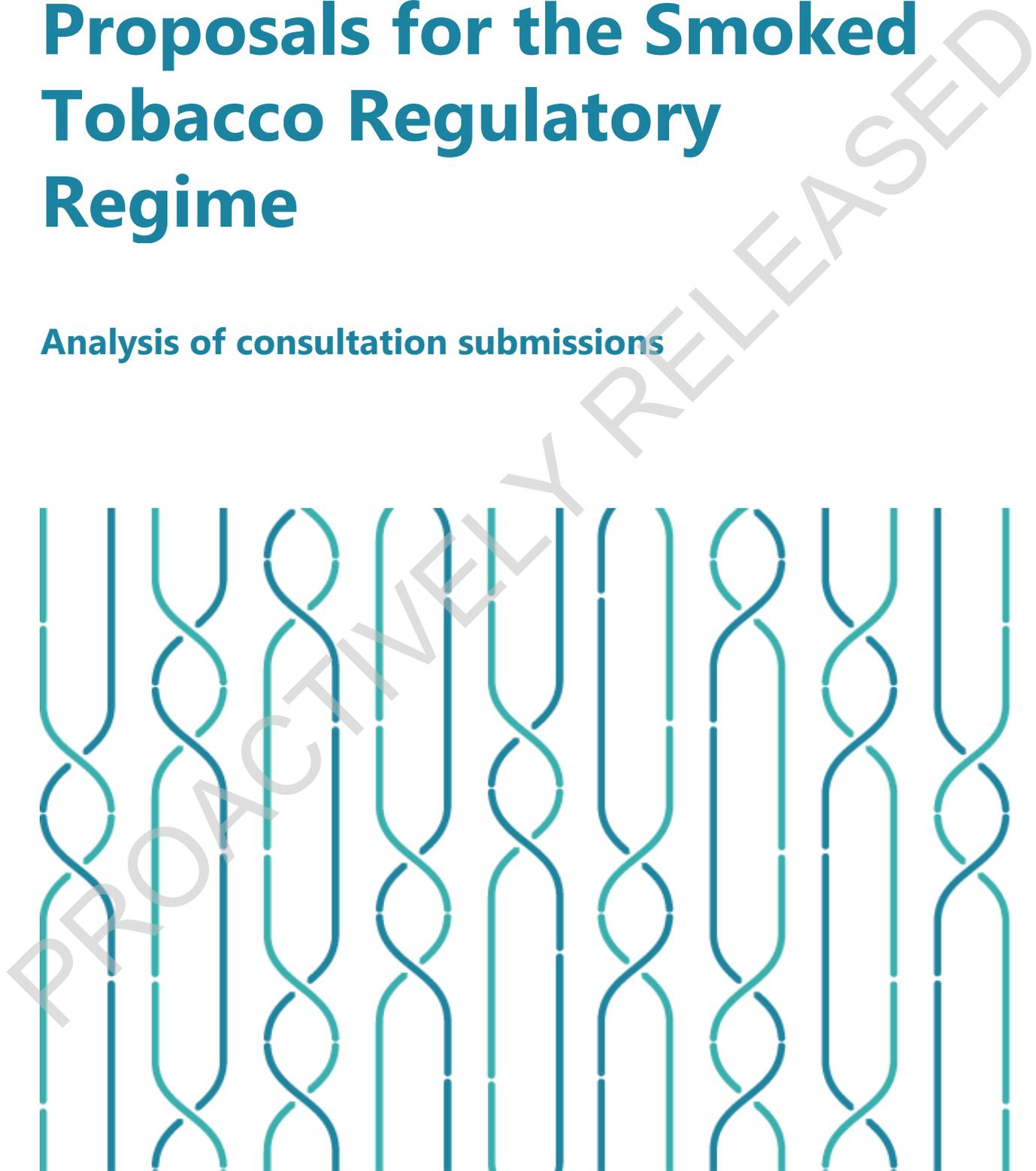




Proposals for the Smoked Tobacco Regulatory Regime

Analysis of consultation submissions



Acknowledgements

Thank you to everyone who provided feedback on proposals for the smoked tobacco regulatory regime. Your feedback was invaluable in informing and contributing to the development of the regime. We acknowledge and thank you for your time, work and dedication.

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Introduction

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act (the Act) came into force from 1 January 2023. The Act amends the Smokefree Environments and Regulated Products Act 1990, with the following significant changes.

- The sale of smoked tobacco products (such as cigarettes, cigars, roll-your-own tobacco and pipe tobacco) is restricted to a limited number of approved retail premises. The Director-General of Health will set, by written notice, the maximum number of retail premises across the country. This is intended to significantly reduce retail availability of smoked tobacco products.
- It is illegal to sell or supply smoked tobacco products to people born on, or after, 1 January 2009. This is intended to create a 'smokefree generation' to prevent tamariki, and the generations born after them, from ever taking up smoking.
- The Act's regulatory powers over the composition of smoked tobacco products, such as nicotine levels, are extended so that only products that meet requirements set out in the Act and in the Smokefree Environments and Regulated Products Regulations 2021 (the regulations) can be manufactured, imported, sold or supplied in Aotearoa New Zealand. This is intended to make smoked tobacco products less addictive and appealing.

To implement these changes, a regulatory regime will be established that would oversee and monitor the import, manufacture, sale and supply of smoked tobacco products in Aotearoa New Zealand.

Manatū Hauora (the Ministry of Health) consulted on a number of proposals to operationalise the regulatory regime as well as a small number of proposals to tighten restrictions on vaping product safety requirements, packaging and the location of specialist vape retailers (SVRs). Through this consultation, Manatū Hauora aimed to ensure the regime would be informed by and reflect community aspirations. There are marked inequities in health caused by greater smoking prevalence among Māori and Pacific peoples, so a key focus of the consultation was ensuring that we gathered Māori and Pacific aspirations to inform the regime and get us closer to the equitable outcomes we seek.

This document summarises feedback gathered throughout that consultation.

Methodology

Consultation period

The consultation period ran for 10 weeks from 4 January to 15 March 2023. The consultation was launched with a press release and TVNZ interview with the then Associate Minister of Health, Hon Dr Ayesha Verrall. It was also publicised on various platforms, including the Manatū Hauora website and social media accounts and the Smokefree 2025 newsletter which goes to external stakeholders.

Manatū Hauora engaged Te Amokura Consultants Ltd to ensure Māori communities, individuals, hapū and iwi had input into the consultation. Iwi-Māori Partnership Boards were given the opportunity to provide input, including after formal consultation had closed, with very limited uptake. Tala Pasifika was engaged to facilitate input from Pacific communities and individuals. Te Amokura and Tala Pasifika held in-person and online engagements over the months of January, February and March.



Data collection and handling

Manatū Hauora created an online portal for submissions on Citizen Space alongside a downloadable Word version of the submission form that submitters could fill out and email directly to us.

Te Amokura held in-person hui in Whangārei, Hamilton, Auckland, Nelson, Wellington, and Dunedin. They also held virtual hui with communities from Christchurch, Rotorua and Whanganui.

Tala Pasifika led targeted in-person and online engagement sessions for Pacific communities. In total, 11 online fono were held, and 29 were held in person across Auckland, Wellington, Dunedin, Oamaru, Tokoroa, Whangarei, Rotorua, Northland and Christchurch. These fono reached over 550 people. Tala Pasifika also held language-specific talanoa sessions with Samoan, Tongan, Niuean, Fijian, Tokelauan and Cook Island language groups.

The Māori public health service provider Hāpai te Hauora generated a simplified online survey for whānau and aiga (family) to complete at Te Matatini, the nationwide Māori performing arts festival, and its Pacific counterpart ASB Polyfest. Hāpai te Hauora compiled the 492 responses to this survey and sent these in a spreadsheet to Manatū Hauora to be included in the analysis of submissions.

Manatū Hauora asked all respondents to disclose any direct or indirect links to, or funding from, the tobacco industry. This was to help us comply with article 5.3 of the World Health Organization's (WHO's) Framework Convention on Tobacco Control (FCTC). The implementing guidelines for article 5.3 recommend that Governments 'interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products.'

Topics covered

Manatū Hauora consulted on a number of proposals to operationalise the regulatory regime as well as a small number of proposals to tighten restrictions on vaping product safety requirements, packaging and the location of specialist vape retailers (SVRs). A consultation document provided detail on these proposals and was available on the Manatū Hauora website. You can find this document here: **Proposals for the Smoked Tobacco Regulatory Regime | Ministry of Health NZ**.

In total, 24 questions related to the proposals were asked as well as free text boxes for respondents to provide further comment. In addition to this, a number of demographic questions and declarations were included in the consultation. A list of questions asked is included as Appendix 2.

Some figures have been included in this document to provide a visual representation of the responses to some questions.

Analysis

Manatū Hauora collated and analysed all submissions received. After the initial analysis was complete, all insights were peer reviewed to ensure they accurately reflected the responses.

Some of the consultation questions called for free-text answers and others for a yes/no or multi-choice selection. Analysing the free-text responses involved reading all the responses and drawing key themes from them.

As well as looking at the responses question by question, we analysed them by respondent type to ensure we had captured insights unique to the particular groups (eg, Māori, Pacific peoples, retailers and industry, councils, academics and health care organisations).

Some respondent types were particularly interested in a specific proposal. Where this was the case, under the summary of responses by proposal section, a sub-heading has been added to highlight the views of that group. Where a respondent type did not give extensive feedback, their feedback is covered in the main discussion.

Results

Over 2,700 people and organisations engaged with the consultation process, either through a written submission or by attending a hui or fono. A total of 1,894 submissions were made via Citizen Space or by emailing the downloadable form. Hāpai te Hauora gathered 492 responses to their simplified version of the online survey and submitted these responses to Manatū Hauora.

Figure 1: Respondent type (Citizen Space and Hāpai te Hauora submissions only)

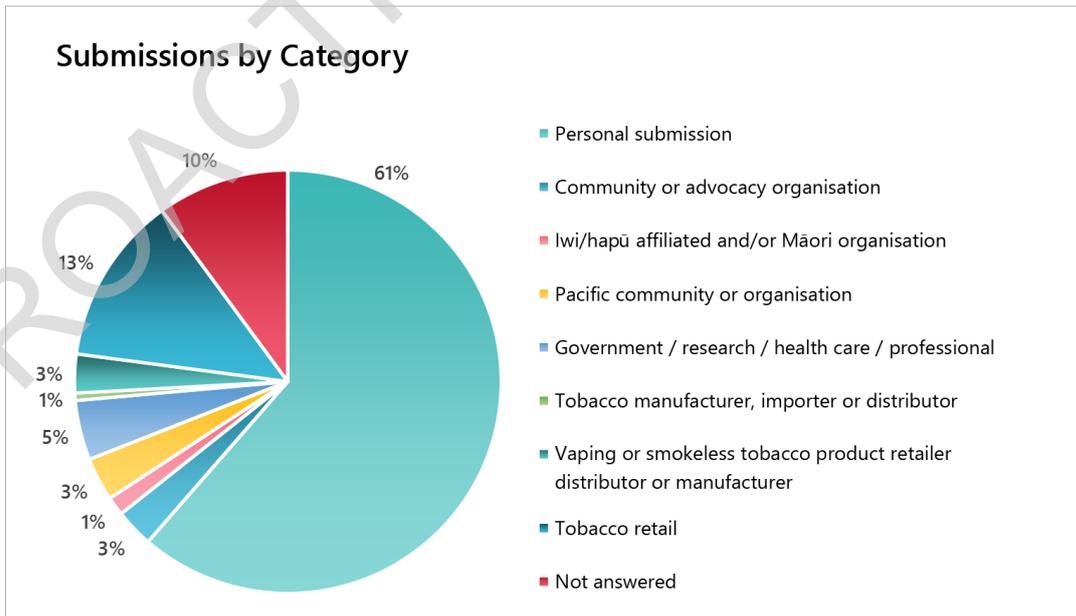


Table 1: Respondent ethnicity (Citizen Space and Hāpai te Hauora submissions only)

Note: Respondents could select more than one ethnicity.

| Option | Total |
|-------------------------------|--------------|
| Pacific peoples | 625 |
| New Zealand European / Pākehā | 518 |
| Māori | 457 |
| Asian | 265 |
| Other ethnicity | 175 |
| Prefer not to say | 97 |
| Not answered | 433 |
| Total | 2,570 |

PROACTIVELY RELEASED

Table 2: Respondent age (Citizen Space and Hāpai te Hauora submissions only)

| Age (in years) | Total | Percent |
|--|--------------|-------------|
| Under 18 | 159 | 7% |
| 18–34 | 626 | 26% |
| 35–44 | 437 | 18% |
| 45–54 | 442 | 19% |
| 55–64 | 219 | 9% |
| 65+ | 112 | 5% |
| Not applicable (eg, if you are submitting as an organisation or group) | 93 | 4% |
| Not answered | 295 | 12% |
| Total | 2,383 | 100% |

Limitations

A number of severe weather events happened in different parts of the country during the consultation process. These events meant that several in-person hui and fono were changed to virtual meetings, and others were cancelled entirely. Some of the regions impacted by these weather events also lost internet access, which may have prevented some people from completing an online submission, and the stress of these events may have led to a loss of engagement from these communities.



Response by respondent type

Responses from Māori

Ensuring the protection of tamariki and rangatahi was a key concern for Māori respondents, and this came up frequently in responses to questions about retail allocation, vaping restrictions and the approval process for retailers.

Protecting the environment and culturally significant areas was also a key concern for this group and was mentioned in feedback on a number of proposals. Māori respondents also consistently advocated for further consultation with the community and with Iwi, and many emphasised that community involvement would be a key factor in ensuring the success of the regime.

... if Te Tiriti o Waitangi is honoured in this important kaupapa, listen to voices of Māori, and together we can make a difference for the betterment of the people.
(Iwi/hapū affiliated, and/or Māori organisation submission)

Specific feedback from Māori respondents has been included under the discussion around relevant proposal summaries.

Responses from Pacific peoples

Submissions from Pacific respondents frequently urged for further Pacific and Māori community input into the decision-making process.

...the most important element to take into account when assessing an application is the community voice.
(Pacific community or organisation submission)

Protection of youth was also a key concern for Pacific respondents. A large portion of Pacific respondents were from Auckland, and many of these respondents wanted the number of retailers in their region reduced, with some commenting that smoked tobacco products are too accessible to youth.

Fifty-nine submissions on Citizen Space were from Pacific respondents under 18 years of age, and of this subgroup, nearly half agreed with restricting vape flavour names to minimise their appeal to youth.

Pacific respondents were particularly supportive of making more information available to communities around the harms of homegrown tobacco.

Specific feedback from Pacific respondents has been included under the discussion around relevant proposal summaries.

Submissions from retail and industry

The vast majority of responses from retailers expressed concern at the impact these proposals might have on the viability of their businesses, emphasising a considerable loss of revenue from tobacco sales. Many of these respondents said that this loss of income would have a significant impact on their wellbeing and the wellbeing of their families. Submissions from this group also frequently highlighted possible unintended consequences of retail reduction, such as unfairly favouring large retailers and creating local monopolies. Another key concern for retailers was that the regulations could lead to an increase in crime, including an increase in ram raids and a growth in illicit trade and gang activity.

Tobacco industry respondents generally opposed retail reduction and emphasised the potential unintended consequences of the proposals, including a potential increase in black market trade and crime and a negative impact on small businesses. The majority of tobacco industry respondents disagreed with the proposal to change the main packaging to allow the words 'very low nicotine' on qualifying smoked tobacco products and the proposal to require information inserted in smoked tobacco product packs.

Respondents from the vaping industry frequently emphasised the importance of ensuring compliance and penalties for non-compliant SVRs. A key focus for respondents from this group was safety requirements for vaping products.

Feedback from retailers and industry to specific proposals has been included under the relevant proposal summaries.

Submissions from councils

Several councils and local government bodies made submissions and a number of themes were common across these submissions. Respondents from this group were typically focussed on retail allocation and on increasing vaping restrictions. Their feedback has been included under the relevant proposal summaries.

The role of local government was mentioned several times in these submissions, either asking for clarity around that role, particularly regarding administration and enforcement, or recommending a greater role for local government and community views in retail allocation decisions.



Submissions from academics and health care organisations

Several responses from academics and health care organisations explicitly referred to ensuring that regulations did not further drive inequities for Māori, and a number recommended that particular consideration be given to the placement of retail outlets in Māori and low-socio-economic communities. There were strong calls to ensure that iwi and hapū voices are included in decision-making.

Feedback from academics and health care organisations has been included under the relevant proposals.

PROACTIVELY RELEASED

Te Tiriti o Waitangi

The principles of Te Tiriti o Waitangi provide the framework for how Manatū Hauora honours Te Tiriti in all work and informed this consultation process. Honoring Te Tiriti is key in meeting the equitable goals we seek.

Tino rangatiratanga

The guarantee of tino rangatiratanga, which provides for Māori self-determination and mana motuhake in the design, delivery, and monitoring of health and disability services.

Equity

The principle of equity, which requires the Crown to commit to achieving equitable health outcomes for Māori.

Active protection

The principle of active protection, which requires the Crown to act, to the fullest extent practicable, to achieve equitable health outcomes for Māori. This includes ensuring that it, its agents, and its Treaty partner are well informed on the extent, and nature, of both Māori health outcomes and efforts to achieve Māori health equity.

Options

The principle of options, which requires the Crown to provide for and properly resource kaupapa Māori health and disability services. Furthermore, the Crown is obliged to ensure that all health and disability services are provided in a culturally appropriate way that recognises and supports the expression of hauora Māori models of care.

Partnership

The principle of partnership, which requires the Crown and Māori to work in partnership in the governance, design, delivery, and monitoring of health and disability services. Māori must be co-designers, with the Crown, of the primary health system for Māori.



Ensuring the regulatory regime honours Te Tiriti o Waitangi (Te Tiriti) was front of mind for a number of respondents. Te Tiriti considerations were brought up in responses across proposals. The following quote reflects some key comments related to Te Tiriti.

Honour Te Tiriti o Waitangi

Kawanatanga – Governance

Māori must have strong authentic leadership in these important decisions in relation to the tobacco and vaping laws. Involve all Māori in the decision-making.

Tino Rangatiratanga – Self-determination

We must be determined to do what is right for our vulnerable whānau Māori and allow them to be healthy enough ... without tobacco and vape interfering with hauora.

Ōritetanga – Equity

Government must be held accountable for the harm that our whānau Māori, and especially rangatahi, are subjected to, and [rangatahi] must be protected with regard tobacco and vape options. Removing these options is the way forward. Please, seriously consider each rohe within Aotearoa and giving mana motuhake for each rūnanga to decide all the smokefree regime.

Kia kotahi te waihoe i te waka, kia ū ki uta.

Only by rowing the canoe in unison will we reach our destination.

...

Nō reira, tēnā koutou, tēnā koutou, tēnā koutou katoa.

(Iwi/hapū affiliated, and/or Māori organisation submission)

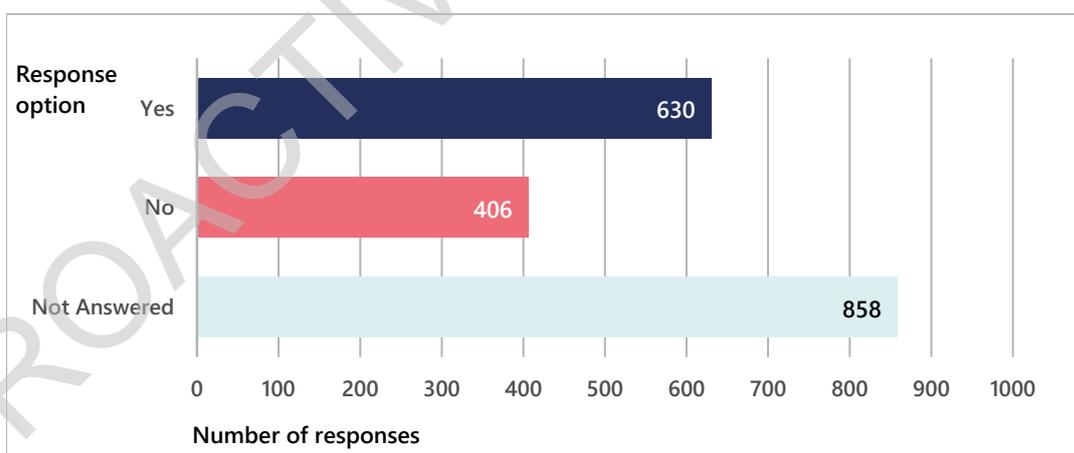
Summary of responses by proposal

Proposal 1a: Number of smoked tobacco retail premises and their distribution across Aotearoa New Zealand

Changes to the Act mean that no more than 600 approved retail premises will be allowed to sell smoked tobacco products in Aotearoa New Zealand. Manatū Hauora asked for feedback on how stores that sell tobacco products should be spread across the country, including how areas should be defined, how many stores should be in each area and any important considerations for specific areas.

Urban and rural considerations

Figure 2: Citizen Space responses to the question: Do you agree with the concept that urban and rural areas should be treated differently?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 630 | 33.26% |
| No | 406 | 21.44% |
| Not answered | 858 | 45.30% |



The majority of respondents that answered the question asking whether urban and rural areas should be treated differently agreed that urban and rural areas should be treated differently to address their different needs.

Maintaining equitable and safe access for those in rural and isolated communities was a key concern for several respondents. Some submissions noted that increasing travel time for rural people to access tobacco products might increase financial hardship and there was a risk of reduced access for elderly people who smoke. It was noted that this reduction could increase inequities already experienced by rural communities.

A number of respondents suggested that some rural communities may already be used to travelling for other needs and recommended against approving retailers in areas where there currently are none. Respondents frequently recommended that community needs be considered on a case-by-case basis and to take smoking and vaping rates into consideration.

A small number of respondents raised concerns that reducing tobacco product retail options could have a negative impact on communities who rely on tourism. Some respondents suggested including duty free stores in the tobacco product retail allocation and emphasised the unique requirements for duty free products and their contribution to Aotearoa New Zealand's tourism income. One respondent recommended removing restrictions on all duty free sales, and two respondents recommended stopping all duty free sales of smoked tobacco products.

Proposed allocation scenario

A map was provided alongside the consultation document that showed one possible allocation scenario. This led to some confusion, with many respondents assuming the map showed exact locations proposed or where existing retailers were located. Some respondents thought the proposed allocation scenario was for SVRs.

The most common suggestion was to base retail distribution on population size, with several respondents also listing socio-economic status as a key consideration. Responses varied in how this should be addressed, with a number feeling communities with lower socio-economic status should have more retailers to ensure safe access, and others suggesting these areas should have fewer retailers to reduce current inequities. One respondent commented that higher access in lower socio-economic communities would increase societal and health inequities and violate Te Tiriti commitments.

A significant number of respondents recommended not approving retailers in areas where there are currently no retailers, and several respondents supported the approved retailers being selected only from retailers that already exist. A few respondents commented that some of the retailer sites on the proposed allocation scenario were near motorways or other non-practical locations.

Māori respondents frequently recommended further reducing the number of retailers, with many stating their preference would be for no smoked tobacco to be sold at all. Many Māori respondents felt there were too many tobacco product retailers allocated in their area. However, some mentioned the importance of maintaining safe access to avoid harm that may be caused by adding pressure to people who are addicted and

their whānau. A key concern for Māori respondents was the clustering of smoked tobacco retailers in low socio-economic areas, and many recommended avoiding areas of high deprivation.

Many Pacific respondents also expressed that retail numbers should be further reduced, with a number of submissions expressing concern for smoked tobacco products being too accessible to youth.

Academics and health care organisation responses to this proposal generally expressed that there were too many retail outlets proposed. Responses from this group also mirrored other key themes, such as not approving stores where there have previously been none, reducing availability in low socio-economic areas and consulting more with communities around retail allocation.

Some respondents from academic and health care organisations strongly supported a 'sinking lid' approach to eliminating tobacco retailers (ie, not replacing approved retailers that subsequently closed), with a view to eventually applying the same approach to vaping.

A large number of location-specific suggestions were gathered throughout the consultation, and these are collated in Appendix 2: Location-specific suggestions. A need for more prevalence data by region was mentioned by several respondents.

Proximity restrictions

Protecting youth from exposure was a key concern for many respondents. Many suggested not allowing tobacco retailers near kura, kōhanga reo, hospitals and medical facilities or sporting and other community areas. This was a key consideration for Māori respondents, with many recommending smoked tobacco retailers not be approved near schools or areas where tamariki and rangatahi meet frequently or along routes they use to get to and from school. Responses from academics and health care organisations generally supported restricting proximity to all education providers, including early childcare education centres (ECEs) and primary schools, sports arenas and fields, wāhi tapu, marae and places of worship.

A number of Māori respondents also suggested retailers not be located near other locations of cultural significance, including urupā or designated sites that are led by tikanga and are tupeka kore (tobacco free). Some respondents suggested specific proximity restrictions from these sites, with suggestions from 500 metres to 2 kilometres. One respondent recommended proximity restrictions to guarantee the protection of wairua (spirit), hā (essence) and whakapapa, as guaranteed by Te Tiriti.

Some respondents said smoked tobacco retailers should be restricted to low foot-traffic areas and therefore should not be allowed in areas such as malls or main shopping areas. A small number of respondents felt the opposite, believing that having smoked tobacco retailers in more centralised locations might deter crimes such as ram raids.

Several respondents noted that banning retailers near a range of sites, such as those discussed above, could have the unintended consequence of leaving some communities without any retailers.



Further consultation

A significant number of respondents called for further consultation with local communities regarding retail allocation. Respondents emphasised that stop smoking practitioners, local councils, iwi, iwi-Māori partnership boards and other groups know their communities best and therefore need to be consulted to ensure the proposal is successful. This was a key concern for Māori respondents who frequently advocated for further iwi and community input in the decision-making process. Rural respondents also emphasised that their communities had specific circumstances that would benefit from further local engagement.

Ensure iwi Māori are actively empowered to influence licensing and location decisions for their specific rohe, should they wish to.
(Government organisation submission)

Council submissions generally reflected support for this proposal but often included specific factors important to their communities, such as a need to account for density and proximity. Many councils suggested greater local government input into retail allocation approvals.

Pacific respondents also frequently asked for further community engagement and community input into decision-making.

Responses from retailers

Many retailers disagreed with retail reduction in general. There was significant concern from retailers across most regions about the livelihood of their businesses if they were no longer able to sell smoked tobacco products.

In response to this proposal, some businesses expressed their desire for their business to be the allocated retailer for their area (providing their rationale to support their suggestion).

Most retailers raised concerns about an increase in crime for the selected retailers and stated the potential for an increasing illicit market for tobacco. Several retailers also suggested the proposal unfairly favoured large retailers and could create monopolies.

Proposal 1b: Minimum requirements for approval as a smoked tobacco retailer

The Director-General of Health must be satisfied that retail premises are run by people who are 'fit and proper', and further requirements can be set in regulations for security, training, delivery, other business systems and other relevant criteria. Manatū Hauora asked for feedback on minimum requirements for selling smoked tobacco products.

Requirements for a 'fit and proper person'

Over half of those who responded to this proposal recommended additional criteria for a person to be considered fit and proper. Some suggested the additional criteria include that the person be educated, be a medical professional or pharmacist, have knowledge of the harms of products, be 18 years old or older, be trustworthy and live locally. Some respondents suggested applicants be required to undergo a police check and character reference.

Of those respondents that didn't support the requirements for a fit and proper person, key themes included them disagreeing with state intervention and being concerned that these requirements could allow for discrimination.

A number of respondents recommended the history of sales of tobacco and other regulated products be considered, including sales to minors, breaking rules with sale of liquor requirements, past loss of liquor retail license and controlled purchase operations. Several submissions also recommended the community have a say as to who is deemed fit and proper and suggested that in order to honour Te Tiriti, iwi-Māori partnership boards must be involved in the approval process.

Responses from academics and health care organisations strongly supported including smokefree enforcement officers in assessing retailers. Māori respondents, academics and health care organisations frequently suggested history of compliance with the Act and background checks be key considerations in determining if a retailer is fit and proper.

More investment in training and education around harm reduction, addiction minimisation and health and safety was a key suggestion from Māori respondents. Many respondents recommended training and education be required, specifically in harms of tobacco, de-escalation, knowledge of local stop smoking services and cultural competency. Another key recommendation was that retailers be deliberately physically aligned with stop smoking services to helping people quit smoking.

A number of respondents highlighted that clarification is needed around the terms 'compliance' and 'enforcement'. It was suggested the criteria for being fit and proper is too subjective, how criminal convictions will be taken into account needs to be clarified and more detail should be provided on how the criteria will be weighted.

One response highlighted that definitions of fit and proper have been used to marginalise Māori and therefore specific consideration should be given to the needs and expectations of Māori as Te Tiriti partners in the application of criteria.



Minimum requirements for security systems, training, sales systems, delivery systems and other business systems

Of those that responded to the question on minimum requirements, a majority agreed with the proposed requirements. Some respondents suggested the restrictions could impact market efficiency, and others indicated the requirements were too heavy. Key criticisms of the proposed minimum requirements included that responsibility for security should be on the retailer, that extensive security is not enough to deter ram raids and that fog cannons may not work as a deterrent as ram raiders are already familiar with them. Numerous submissions noted that implementing security upgrades would be very expensive for retailers.

Key suggestions for how these minimum requirements could be improved included stores being required to have security guards, stores being located near police stations, having a limit on the amount of tobacco products available in stores, prohibiting delivery to residential addresses and stores being situated near stop smoking providers.

Māori respondents frequently suggested heightened security and safety processes and emphasised the importance of safety for both retailers and minors.

Responses from academics and health care workers often suggested that security systems be self-funded by retailers and that security plans be submitted as a part of the application process. The majority of these respondents agreed with the minimum requirements proposed for security systems.

Response from retailers

Retailers responding to this proposal often requested changes be phased in over an extended period of time to allow retailers to adapt and align with the new criteria. Most respondents agreed that, to be chosen as a store to sell tobacco, the store should have well-trained staff and a sound knowledge of relevant legislation.

Many respondents from this group believed the most important consideration when deciding which stores should sell smoked tobacco was sufficient security and safety systems. Some respondents queried whether the government would fund retailers to buy these systems.

A significant number of these respondents suggested that any store with previous convictions from selling to underage minors and anyone with past or pending criminal convictions should not be approved.

Additional criteria suggested by retailers included geographical location / ease of entry and deprioritising large business chains or organisations.

Response from councils and local government

A number of councils and local government bodies responded to this proposal. Multiple respondents from this group felt that retailers with a history of non-compliance should not be approved and that retailers caught failing to comply should have their approvals revoked.

Respondents from this group also recommended minimum criteria, such as retailers needing to have CCTV cameras, at least two staff members on premises during opening hours, enhanced suitability tests and checks to ensure the applicant and the store are legally connected.

Proposal 1c: Approval processes and decision-making criteria

The Act requires the Director-General of Health to determine and publish a process for applications. Manatū Hauora asked for feedback on how the application process should be run and how applications should be compared.

Application process

Key feedback for this proposal included recommendations that the application process be strict, efficient, simple and accessible for all retailers, including those who speak English as an additional language. Some respondents disagreed with all proposed changes, citing freedom of choice and impact on the economy or individual businesses.

Responses to this proposal frequently suggested there be community involvement in the approval and decision-making processes. Suggestions included giving communities the right to object or veto approvals, establishing a process to consult with local iwi and to involve public health units and smokefree enforcement officers in the approval process.

Some respondents recommended that specific people always be a part of the decision-making process, including Māori and Pacific representatives, youth representatives, minorities and people who smoke.

Community input was a key concern for Pacific respondents.

Additional suggestions included that all retailers have site visits, retailers stock less harmful alternatives and retailers be educated in the Act. Responses from retailers often recommended a longer period for retailers to prepare and clarification around why particular retailers are chosen and what will happen if a request to be an approved retailer is denied.



Assessment criteria

Regarding what is most important to consider when assessing an application, key suggestions included safety and security, past compliance, contribution of the supplier to the smokefree goal, proximity to schools or youth locations, access to quit services, contribution to community, store type and alignment with Te Tiriti. A few submissions also emphasised the importance of the Director-General of Health reviewing information provided in applications for accuracy.

The majority of Māori responses to this proposal indicated that the most important consideration when assessing an application was history of compliance. Many Māori respondents said anyone with a criminal conviction should not be allowed to be a smoked tobacco retailer, and several suggested a thorough history check for any breaches, complaints, compliance issues or infringements be required when deciding who can sell smoked tobacco.

A number of Pacific respondents named security and safety of staff and customers as the most important considerations. Proximity to locations that children and youth use was another key concern, and several Pacific respondents mentioned strict ID checks and retailer integrity as being important.

When asked about the least important considerations when assessing an application, responses included products sold, personal beliefs and opinions, size and type of business, number of licenses granted, profit margins, budget, race, ethnicity, gender, political affiliation, personal relationships, industry voice and location. Some respondents mentioned restrictions on advertising in their responses to this proposal, particularly advertising to youth.

Many submissions from retailers considered sufficient security and safety systems and history of compliance to be the most important considerations when assessing an application. Some recommended a one- or three-strike policy for license retention. This group often suggested that business impacts and a fair and even playing field be considered in decision-making.

Type of business

A number of responses suggested that tobacco shouldn't be sold in dairies or petrol stations and should only be sold in specialist tobacco retailers. Many Māori respondents recommended smoked tobacco products not be sold alongside food or groceries. However, a number of other respondents expressed a preference for supermarkets selling smoked tobacco as supermarkets often have heightened security and normally have better processes for checking IDs.

There were conflicting opinions on whether alcohol stores should sell smoked tobacco products. Some respondents supported this proposal because alcohol stores are restricted to those aged 18 years and older, but others were against having two addictive products sold together. Respondents from the alcohol industry generally emphasised their experience in age-restricted retailing, however, some mentioned that requirements under the Sale and Supply of Alcohol Act 2012 may restrict liquor retailers from becoming approved smoked tobacco retailers.

Submissions from academics and health care organisations showed a strong preference for cigarettes not to be sold alongside alcohol. A number of respondents from this group also recommended that approved retailers be restricted to R18 venues and that smoked tobacco products not be sold alongside food or everyday items to avoid normalising smoked tobacco products.

Proposal 1d: Additional retail questions

The Act allows for sales from specified internet sites operating with a specified retail premise, however the Director-General of Health has the discretion to consider whether allowing online sales would achieve the purposes of the Act in the particular context.

Manatū Hauora asked for feedback on the decision-making criteria and process for selling smoked tobacco products online and asked for feedback on how retailers could be supported if they were no longer able to sell smoked tobacco products.

Online sales

Many respondents opposed online sales, expressing concern about increasing availability and undermining the goals of retail reduction. Others expressed concerns about online sales to minors and recommended requiring ID both when purchasing tobacco products and when receiving deliveries and requiring customers to register when making online sales. Concerns were also raised about the difficulty of enforcing regulations for online sales.

Other recommendations included limiting how often people can make purchases online and the amount they can purchase in a single transaction.

Those that supported online sales typically emphasised the importance of maintaining access for communities that do not have a physical store presence and those who can't access physical stores, such as the elderly or those with mobility issues.

A small portion of respondents were mainly concerned about the inclusion of cigars and cigarillos with other smoked tobacco products. The majority of these submissions wanted cigars and cigarillos excluded from any restrictions on smoked tobacco products on the basis that cigars and cigarillos are typically luxury items, not smoked habitually or due to addiction. A key recommendation from these submissions was to ensure businesses who predominately sell cigars and cigarillos can continue operating and selling online.



Support for retailers who can no longer sell smoked tobacco products

Some respondents highlighted the challenges faced by businesses and a need for retailer support. Recommendations varied as to the type of support required.

Many respondents, particularly retailers, recommended offering financial support. Specific recommendations included tax breaks to cover losses, redundancy support, assistance to cover leases and legal fees and a period of government-funded rebates for health products for dairies to sell. Several respondents suggested job-seeking support, particularly consultation and support from Work and Income.

A number of Pacific respondents recommended business support, financial assistance and support for businesses to diversify.

Submissions from retailers frequently suggested that general retailers be allowed to sell a full range of vaping products and flavours to support their customers to quit smoking.

Some respondents said that no additional support should be provided. These responses typically emphasised that retailers have had a long time to prepare for these changes and to reduce their dependency on tobacco sales. Some disapproved of taxpayer money being used to support smoked tobacco retailers, noting the public health harms and the harm to Māori. Others pointed to surveys that showed retailers who stopped selling tobacco experienced either a neutral or positive financial impact.

Responses from academics and health care organisations largely leaned towards limited or no support for retailers no longer selling products. This group of respondents did, however, suggest retailers be provided with a communication package about the changes and examples of how other retailers have become tobacco free.

More information about the regulatory changes was recommended as a key support for a number of respondents. Community information sessions and spreading information via community notice boards, newspapers and further consultation were all key suggestions.

One respondent recommended that all community resources be translated into a range of languages. It was also suggested retailers that had successfully diversified their business away from selling tobacco products be encouraged to share their insights.

Pacific respondents were particularly supportive of more information being made available to communities.

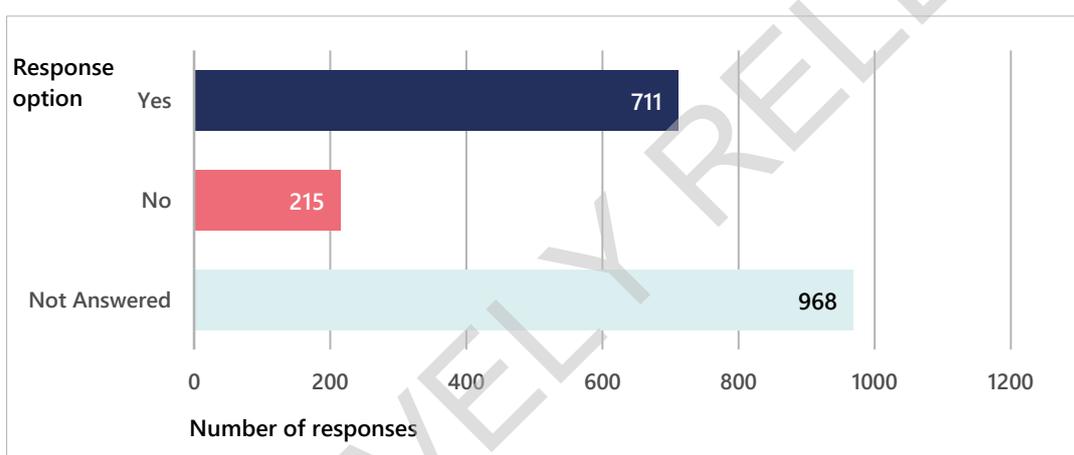
Several Māori respondents commented that communities know best where supports are needed in their area and suggested getting further community advice on what supports to invest in. Many Māori respondents supported increased funding for cessation services to meet increased demand.

Proposal 2: Low-nicotine requirements

From 1 April 2025, only low-nicotine smoked tobacco products will be allowed to be sold in Aotearoa New Zealand. Manatū Hauora asked for feedback on the details of testing and product requirements, application processes, changes to product packaging and temporary product approvals. Responses to this proposal typically came from academics, health care organisations and tobacco industry groups.

Chemical analytical methods

Figure 3: Citizen Space responses to the question: Do you agree that a suitable testing method may include a method based on WHO SOP4, validated to account for the low nicotine levels prescribed?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 711 | 37.54% |
| No | 215 | 11.35% |
| Not answered | 968 | 51.11% |

Most tobacco industry responses disagreed with this proposal and often revisited the policy decision in the Act to restrict the nicotine level in smoked tobacco products. Some tobacco industry respondents criticised the modelling used and recommended alternative methods that test emissions rather than chemical composition of tobacco products.

Some respondents agreed with this proposal and provided detailed comment, including on the variation between the two methods mentioned in the consultation document, results they have obtained using these, as well as costs for testing. Some suggested using the Cooperation Centre for Scientific Research Relative to Tobacco



(CORESTA)¹ method 62. One academic suggested using CORESTA method 87 as this would be more accurate than either method mentioned in the consultation.

Japan Tobacco International suggested using the Deutsche Institut für Normung (DIN)² method 10373. Some industry respondents felt that the World Health Organization (WHO) SOP4 method was not fit for purpose or expressed concerns about the WHO TobLabNet.

General suggestions related to chemical analytical methods included adopting international procedures, ensuring methods meet Aotearoa New Zealand safety compliance standards, testing being conducted by independent facilities and taking scientific advice for best practice. Some respondents recommended further consultation, specifically with the WHO Study Group on Tobacco Product Regulation and Manatū Hauora technical advisory group.

Packaging requirements

Manatū Hauora asked whether the main packaging change should be to allow the words 'very low nicotine' to be included on qualifying smoked tobacco products. A number of submissions expressed concern that displaying the words 'very low nicotine' on packaging could be interpreted by some to mean the product is less harmful. Respondents from the tobacco industry generally did not support this proposal.

Responses to the proposal to require inserts in smoked tobacco product packs were mixed. Generally, the proposal was supported by academics and non-governmental organisations but not by industry.

Those that didn't agree suggested consumers would just throw away the insert, that this was not the most effective way of spreading information and that inserts would create additional rubbish. Others felt an insert would be an effective way of directly providing smokers with information about changes to tobacco products.

Product application requirements

Under the Act, approval of a smoked tobacco product is required before products can be imported, sold or supplied in Aotearoa New Zealand. Manatū Hauora proposed that regulations set out additional detailed requirements and forms for the purpose of applying to seek approval for products.

Responses to this proposal raised concerns about the reliability and credibility of lab results provided by tobacco companies and recommended a verification process to ensure the accuracy of nicotine levels and ingredients reported. It was also suggested the summaries of test results and ingredients be made publicly available.

¹ CORESTA is an international association founded in 1956 to promote and facilitate international cooperation and best practices in scientific research around tobacco and tobacco products.

² DIN is a German national organisation for standardisation of German interests at the international and European levels.

Some respondents suggested there needs to be better guidance as to what a full list of ingredients is, and in general, what the terms 'full' and 'other relevant documentation' would consist of given the potential for manipulation or over submission of information.

Temporary approvals

The Act allows for the Director-General of Health to temporarily approve the import, supply, manufacture or sale of tobacco that does not meet low-nicotine tobacco criteria under some circumstances. These circumstances allow for research and testing, and for some niche products. Manatū Hauora proposed regulations set out detailed requirements and forms be provided for applying to seek temporary approval of products.

Very few submissions responded to this proposal, and those that did gave mixed reactions. They indicated support for temporary approvals for research and testing purposes but not for niche products, expressing concerns about creating loopholes that would allow tobacco companies to produce niche products. Responses also recommended that applicants be required to provide detailed information about the purpose of research and applications be either non-commercial, by an academic institution or for compliance purposes.

Proposal 3: Fees

The Act provides for recovering the costs of establishing and operating the regulatory regime from the industry through fees or levies. Manatū Hauora asked for feedback on the regulations to specify these fees and levies for applications, registrations and product approvals.

The majority of responses to this proposal supported charging fees. However, a small number of respondents, mostly retailers, either opposed charging any fees or recommended lower fees. Responses from retailers frequently emphasised the other costs that are placed on business owners such as insurance costs and the costs of security.

Responses from academics and health care organisations as well as some personal submissions generally encouraged charging higher fees and using some of the money from fees to better resource smoking cessation providers and smokefree enforcement officers. This group also suggested that fees be used to support public health units to assess retail applications and monitor compliance and cover the cost of further consultation with Māori.

A number of Māori respondents recommended some of the money from the fees be put towards supporting the community and local health care services.



Proposal 4: Notification requirements

New notification requirements for distributors of smoked tobacco and notifiable product retailers commence on 1 October 2023. That means that, by this date, distributors and general retailers will need to have completed a form for Manatū Hauora describing their business. Manatū Hauora proposed that regulations require distributors and general retailers to re-notify on an annual basis.

Fewer than half of respondents answered the question related to this proposal.

A number of responses supported registration to enable closer monitoring and review of retailers and distributors to check compliance. Several respondents suggested a longer period be required before having to re-register, with the majority of these suggesting a timeframe of between three and five years.

A much smaller proportion of respondents suggested distributors and retailers be required to re-register more frequently than annually.

Several respondents to this proposal opposed registration. They felt it is a way for the government to make revenue and criticised the additional cost for retailers.

Retailers generally suggested the registration period be extended or not elapse.

A number of responses from academics and health care organisations recommended provisions be included to ensure that any approved status lost following a breach cannot be reinstated.

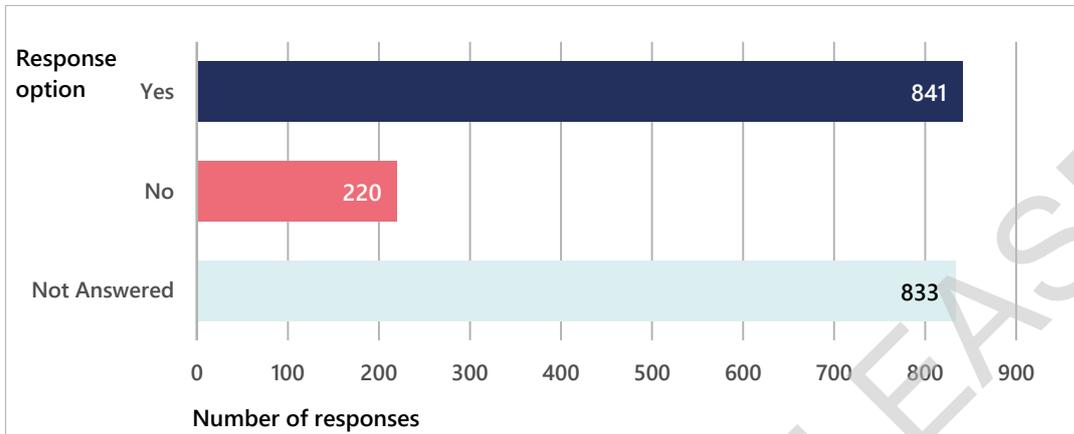
Proposal 5: Youth vaping

Manatū Hauora proposed extending current vaping restrictions to make vapes less appealing to young people (by limiting the way flavours can be described), safer (by requiring replaceable batteries and child safety mechanisms) and less addictive (by reducing maximum nicotine levels in disposable vapes). Proximity restrictions were also proposed on where SVRs could be located, such as their distance from schools and sports grounds.

We received a large amount of feedback on this proposal. Some of that feedback directly addressed the proposal, and some of it was beyond the scope of this consultation. For that reason, we have included a section below titled 'Other feedback related to vaping' to summarise key themes that came through.

Restricting the use of flavour names

**Figure 4: Citizen Space responses to the question:
Do you agree with the proposal to restrict the flavour names of vaping products to minimise their appeal to youth?**



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 841 | 44.40% |
| No | 220 | 11.62% |
| Not answered | 833 | 43.98% |

There was significant support for banning names that are deemed attractive to young people, such as flavour names relating to candy and desserts. Respondents also expressed concerns around having fruit names as flavours as this may associate the vaping products with healthy food.

Alcohol-related flavours were also commented on frequently, not only due to their appeal to young people, but also with regard to concerns around the association with another harmful/regulated substance. Many respondents also agreed with removing descriptive words and te reo Māori words such as kawakawa and āporo. Many respondents recommended the complete removal of descriptive words from flavour names.

I believe my daughters would not have started vaping (at ages 15) if it weren't for the flavours. (Personal submission)

Respondents that didn't support restricting flavour names felt that restrictions on flavour names may discourage smokers from vaping as a cessation method. Other responses highlighted a perceived lack of evidence showing which flavour names are attractive to young people and the impact of these restrictions on youth vaping prevalence.

There was some confusion amongst respondents who may have thought that the proposal was about restricting flavours themselves as opposed to flavour names, which may have had an impact on some suggestions.

Responses from retailers were divided for this proposal, with some believing that limiting the number of flavours available would be positive, while others suggested that approved retailers should be able to sell all flavours. Those who wanted to sell all flavours suggested this supports people to quit smoking, will allow retailers to make up lost profit from reduced tobacco sales and is part of allowing their customers freedom of choice.

The majority of respondents from the vaping industry did not agree with the proposal to restrict flavour names, with some suggesting that it could have adverse consequences for adults wishing to quit smoking. One respondent from this group supported restricting some flavour names that were deemed to be of a whimsical nature.

There was strong support from academics and health care organisations for restricting flavour names, with some saying flavour names should be restricted to only tobacco and menthol.

Several submissions from councils and local government bodies supported restricting vaping flavours themselves in addition to flavour names.

The vast majority of Pacific respondents agreed with restricting flavour names to reduce their appeal to youth. Nearly half of submissions from Pacific respondents under the age of 18 years also agreed with this proposal.

Product safety requirements

Submissions reflected strong support for extending product safety requirements, with a lack of safety features for children being a key concern for a number of respondents.

There was consistent feedback supporting more safety/health messaging on labels/packaging. There was also consistent support for substance container labelling and requiring ingredients lists so consumers know what is in their vape products and can make informed decisions. A requirement for serial/batch numbers on all products was also largely supported.

Numerous respondents agreed with the proposal to require removable batteries. However, there were concerns about the practical safety and manufacturing implications of implementing the removable battery proposal. Safety concerns generally related to the risk of consumers being able to tamper with or modify the internal workings or circuitry of a product, as well as the heightened risks of accidents due to loose lithium-ion batteries.

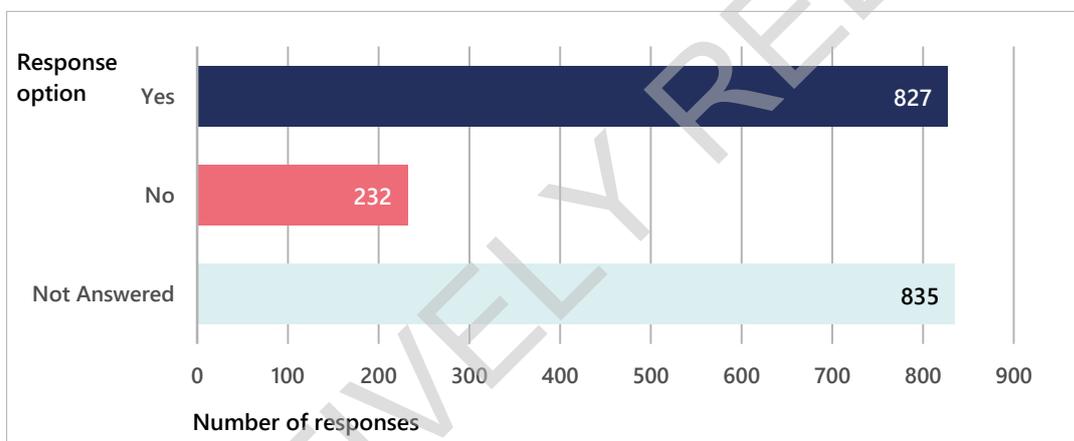
Respondents from the vaping industry made a number of suggestions to extend product safety, including requiring battery testing certificates for all products, providing emissions testing data for all products and introducing minimum manufacturing standards for vaping products.

A significant number of respondents had concerns about the e-waste caused by disposable batteries. Many responses included recommendations on how to address this issue, including making products more recyclable, setting up recycling deposits and increasing the price to counter the expense of correctly disposing of these products, or banning disposables altogether. The impact of disposable vapes on the environment was a key concern for Māori respondents.

Submissions showed consistent support for lowering the nicotine content in disposable vapes. Some agreed that lowering the nicotine content to the proposed amount of 35 mg/mL was enough, however, there was consistent feedback that nicotine levels should be even lower than the proposed amount. Suggestions ranged from 'no nicotine' to 25 mg/mL for disposable vapes.

Location of specialist vape retailers

Figure 5: Citizen Space responses to the question: Do you agree with the proposal to restrict where specialist vape retailers can be located?



| Option | Total | Percent |
|--------------|-------|---------|
| Yes | 827 | 43.66% |
| No | 232 | 12.25% |
| Not answered | 835 | 44.09% |

A significant number of respondents supported restrictions on the proximity of SVRs to schools. Many respondents also supported restricting the proximity of SVRs to other locations, such as hospitals, kōhanga, kura, wānanga, marae, significant cultural sites, sports fields, churches, bakeries, dairies or other food outlets.

A significant number of respondents gave feedback that there should also be a restriction/cap on the number of SVRs that are granted approval. Many respondents commented that there are already too many SVRs, and there was consistent feedback that there should be a limit on the density of SVRs allowed in Aotearoa New Zealand.



Many respondents stated they believe that SVRs should be treated the same as specialist tobacco retailers and mirror the proposed retail reduction scheme. A significant number of respondents felt that vaping products should only be sold from SVRs.

Some key concerns raised in response to this proposal were about keeping vaping products available for those wanting to use them to help quit smoking and the impact restrictions could have on smaller towns where proximity of vaping product retailers to schools and other locations could result in restrictions affecting the entire area.

Two other key suggestions were that there should be further community involvement around locations of SVRs and that vaping products should only be available on prescription from pharmacies. A pharmacy supply model was supported by a small number of academics and health care worker respondents.

Responses from academics and health care organisations on vaping

Responses from academics and health care organisations strongly reflected a concern about SVRs being disproportionately located in lower socio-economic areas. This group strongly supported limiting sales of vaping products to SVRs. Plain packaging and increased pricing were also frequently supported by this group.

Submissions from academics and health care organisations overwhelmingly expressed concerns about youth vaping, too many retailers of vaping products and the ease of access to vaping products. Frequently, these submissions asked decision makers to move quickly to prevent vaping appeal, accessibility and further nicotine addiction.

Submitters were concerned about the targeting of vape products to low socio-economic and Māori communities, reducing smoking harm and effectively replacing smoking with another harmful product that maintains addiction. Vaping was also perceived as a potential failure to uphold the duty of care obligations under Te Tiriti.

Other feedback related to vaping

Most out-of-scope vaping responses recommended stricter vaping regulations to reduce young people's access and addiction to nicotine and vapes. At this time, no further regulatory changes are proposed in response to this feedback.

Many respondents felt that disposable/single-use vaping products should be banned altogether due to their accessibility, cost and appearance making them more appealing to young people. Several respondents from the vaping industry supported banning single-use vaping devices but suggested the industry be given a reasonable time frame to work within. Some respondents thought that only nicotine-free disposable/single-use vaping products should be allowed. Significant concerns were submitted about nicotine addiction becoming an issue among people who have never smoked but now vape, particularly youth who have developed a stand-alone addiction.

Many submissions recommended more education, especially for young people, on the harms of vaping and nicotine addiction. A number of respondents requested further support for schools and parents to be able to support children and young people who are vaping to quit.

Many respondents mentioned vape sales to minors as a key concern. Several Māori respondents recommended more robust age verification processes and strong implications for non-compliance. Several submissions also raised concerns about vape stores being too flashy and appealing to young people.

A number of councils and local government bodies suggested in their submissions that vaping products not be visible from outside stores and also that the word 'vape' and its derivatives not be allowed to be used in store names.



Next steps

Feedback received through this consultation has helped Manatū Hauora develop the Smokefree Environments and Regulated Products Amendment Regulations 2023, written notices and guidance to implement the new provisions of the Act.

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Appendix 1:

Location-specific suggestions

Manatū Hauora asked for feedback on the needs of different areas around the country. Numerous submissions provided specific feedback and advice on their area.

Northland / Te Tai Tokerau

The majority of respondents from Northland / Te Tai Tokerau agreed with the proposed smoked tobacco retail premises allocation map for their area. However, a number of respondents suggested that there were too many retailers given the low population count for the area. One respondent recommended that the proposed 42 retailers should be reduced to 26.

Specific suggestions included that there be no retailer at One Tree Point and that additional retailers be approved in Dargaville, Wellsford, Kaikohe, Kaitaia and Whangārei.

A key concern for these respondents was the potential additional costs for people living rurally. Retailers from this region suggested that the proposed allocation scenario didn't account well for rural areas.

Auckland / Tāmaki Makaurau

Responses from Auckland / Tāmaki Makaurau were mixed, with some suggesting there are too many retailers proposed for the region, particularly in urban locations. Others, particularly retailers, suggested there are too few.

Respondents from this area raised concerns around the proximity of retailers, specifically in areas such as Orewa and Warkworth. Some suggested there should be more retailers in specific areas such as Waitākere and rural areas in general. Some respondents emphasised that Waiheke Island will need at least one approved retailer to ensure continued access for smokers on the island.

Further suggestions from respondents from Auckland / Tāmaki Makaurau included the proposed 600 retailers also being the only outlets allowed to sell vape products and using a sinking lid policy to continue to drop the number of retailers over time.



Pacific respondents from this region suggested further considerations for retail allocation, such as the mental health of the population.

Specific suggestions included reducing the proposed retail locations in Orewa, Hibiscus Coast and Silverdale as they are too close together, having too many retailers proposed in Glen Innes and reducing the number of retailers in South Auckland.

One respondent recommended retailers be approved in areas with high foot traffic that are well connected by public transport, such as the large business park Sylvia Park or Manukau. A number of respondents suggested that retailers in areas with a high smoking prevalence be prioritised.

Waikato

Numerous respondents from Waikato suggested there are too many proposed retailers in their region and were concerned about increased accessibility and resulting financial hardship. Specific suggestions included fewer stores in Hamilton East, Waihi and Tokoroa and adding more stores in Taupō due to the large number of tourists there. Retailers from the region suggested there are not enough proposed stores in Tokoroa and the stores allocated to this region do not reflect the region's smoking population.

Hamilton City Council suggested a number of additional sensitive sites for Hamilton, including any: library, museum, community hall or recreational facility, place of worship, school, childcare facility or other educational institution, premises occupied by a social welfare agency such as Work and Income or similar, pharmacies and medical centres, the civic square, Garden Place, the Hamilton | Kirikiriroa High/District Courts, Embassy Park, the Hamilton River Path, stand-alone public toilets, Hamilton Transport Centre and key bus stops.

Bay of Plenty / Te Moana a Toi-te-Huatahi

Respondents from Bay of Plenty / Te Moana a Toi-te-Huatahi had mixed feedback on the number of retailers proposed for their region. A key theme for respondents from this region was a concern around proximity of retailers to schools and vulnerable populations. One respondent suggested there should be three retailers in total, one in Tauranga, one in Mount Maunganui and the third in Papamoa. Several respondents suggested Tauranga should have more retailers approved.

Tairāwhiti / Hawke's Bay / Te Matau-a-Māui

Many respondents from Tairāwhiti / Hawke's Bay / Te Matau-a-Māui suggested there were too many retailers proposed for their area. Māori respondents from this region raised concerns around the number of retailers in communities with low socio-economic status.

More than one respondent suggested there were too many retailers located along the Napier-Taupo Road. Some respondents suggested that there were too many stores in Gisborne and Wairoa.

Conversely, retailers from this region raised concerns around crime due to the low number of retailers.

Taranaki

Respondents from Taranaki suggested there were too many retailers proposed for their region and emphasised there should be no new retailers where there currently are none, such as in remote areas.

Respondents from this region wanted clarification on how the proposed allocation scenario was decided. Specific suggestions included Hāwera needing more outlets.

Manawatū/Whanganui

Respondents from Manawatū/Whanganui had mixed feedback on the number of retailers proposed for their region, with many supporting the allocation scenario and a number suggesting there be fewer retailers in their region. Retailers from Manawatū/Whanganui suggested there be more retailers in the region due to the larger population in the city. Other respondents frequently recommended that approved retailers be spread evenly across the region.

Specific feedback for this region included reducing the number of retailers in Marton and approving at least one retailer in each suburb of Whanganui East. One respondent also recommended taking into consideration road safety and emission concerns when considering retailers in National Park village.

Respondents suggested having more retailers in Ashhurst and Pongaroa, and several respondents suggested approving additional stores in Palmerston North. A number of respondents mentioned Fielding, with some suggesting more stores be approved, and others suggesting stores be well spread out in the surrounding area.

Wairarapa / Wellington / Te Whanganui-a-Tara

Many respondents from Wairarapa / Wellington / Te Whanganui-a-Tara said there are too many retailers in the proposed allocation scenario for their region. Specific suggestions for this region included reducing the number of stores in Wainuiomata, Waikanae, Kapiti Coast, Porirua and the Wairarapa rural area.

A number of respondents emphasised that there should be no retailers approved near schools.

Suggested locations for additional retailers included Akatarawa, Upper Hutt and Lower Hutt. Some respondents emphasised that most towns are well connected to the Wairarapa and Wellington and people can easily access stores.

Nelson / Marlborough / Whakatū / Te Taihū-o-te-Waka

Many respondents from this region said there are too many retailers proposed for Nelson, particularly in the central business district. Retailers, however, suggested there are not enough proposed retailers for the population of smokers in the area. One respondent recommended additional retailers be approved in Renwick.



Tasman / West Coast / Te Tai o Aorere / Te Tai Poutini

Several respondents from Tasman / West Coast (Te Tai o Aorere / Te Tai Poutini) suggested the number of retailers proposed for this region be reduced. Specific suggestions from respondents from this area included that there be more retailers in Hokitika and that there be a store in Karamea as it is difficult to travel from there to the nearest retailer.

Canterbury / Chatham Islands (Waitaha/Wharekauri/Rēkohu)

Respondents from Canterbury / Chatham Islands (Waitaha/Wharekauri/Rēkohu) had mixed feedback on the proposed allocation scenario for their region. Māori and Pacific respondents from this region generally felt there are too many retailers.

Specific suggestions for this region included approving stores in Hororata and Dunsandel and reducing the number of stores in Riccarton, Linwood, Waikari, Banks Peninsula and Woolston. A number of respondents felt there are not enough retailers in Christchurch and the number of retailers in Waitaha should be reduced.

Retailers from this region generally thought there should be more stores and expressed a concern around lack of accessibility for those living rurally. One retailer respondent suggested there be more retailers approved in Lincoln due to its growing population.

Otago/Southland (Ōtākou/Murihiku)

Respondents from Otago/Southland (Ōtākou/Murihiku) had mixed feedback on the proposed allocation scenario for their region. Māori and Pacific respondents from this region generally suggested there are too many retailers proposed.

Specific suggestions for this region included having fewer retailers in Invercargill and that the retailers along the north edge of Lake Wānaka are not necessary. Retailers from this region recommended retailers be approved in East Taieri and Owaka and that Mount Aspiring National Park and the Lindis Pass do not need any retailers.

Some respondents suggested Dunedin should be allocated more retailers, with one respondent mentioning the city's large population during the academic year. A number of respondents suggested retailers be more evenly distributed across Dunedin city.

Appendix 2:

Questions included in public consultation document

Regulatory proposal 1a: Number of smoked tobacco retail premises and their distribution across Aotearoa

1. Do you agree with dividing Aotearoa into areas and having a separate maximum number of smoked tobacco retail premises for each area?
 Yes No
2. Do you agree with the concept that urban and rural areas should be treated differently?
 Yes No

If you have any comments on how we have defined rural and urban, or how the geographic nature of the area required by the Act should be taken into account, write them here.

Click or tap here to enter text.

3. Do you agree with our suggested allocation scenario, as described in Table 1 of the consultation document and the supplementary maps we have produced?
 Yes No

How else could you determine the maximum number of retail premises for each area, bearing in mind the Act allows for a maximum of 600 retail premises?

Click or tap here to enter text.

4. We are interested in understanding the needs of different areas of Aotearoa. What is your area?

(Drop down menu to select area they submitter lives in)

If you have any comments on the number of retailers in your area, or in another specific area, please write them here.



Click or tap here to enter text.

Regulatory Proposal 1b: Minimum requirements for approval as a smoked tobacco retailer

1. Do you agree with the proposed requirements for a 'fit and proper' person in Appendix 2?

Yes No

If you have any comments on the proposed requirements for a 'fit and proper person, please write them here.

Click or tap here to enter text.

2. Do you agree with the minimum requirements we have proposed for security systems, training, sales systems, delivery systems and other business systems?

Yes No

Do you have any other suggestions?

Click or tap here to enter text.

Regulatory proposal 1c: Approval processes and decision-making criteria

3. Do you agree with the proposed application process?

Yes No

Are there any aspects that need to be clearer?

Click or tap here to enter text.

4. If you have any changes or additions to the criteria we have proposed, please write them here.

Click or tap here to enter text.

5. What do you think are the most and least important things to take into account when assessing an application?

Click or tap here to enter text.

Additional retail questions

6. Do you have any feedback on additional decision-making criteria and processes for selling smoked tobacco products online?

Click or tap here to enter text.



7. Do you have any feedback on possible support for retailers who are no longer able to sell smoked tobacco products?

Click or tap here to enter text.

Regulatory proposal 2: Low nicotine requirements

8. Do you agree that a suitable testing method may include a method based on WHO SOP4, validated to account for the low nicotine levels prescribed?

Yes No

Do you have any other suggestions for suitable chemical analytical methods?

Click or tap here to enter text.

9. Do you agree with the proposal that the main packaging change should be to allow the words 'very low nicotine' on qualifying smoked tobacco products?

Yes No

10. Do you agree with the proposal to require an insert in smoked tobacco product packs?

Yes No

If you have any additional feedback on smoked tobacco packaging, please comment here.

Click or tap here to enter text.

11. Do you agree with the product application requirements?

Yes No

If you have further comments on product application requirements, please write them here.

Click or tap here to enter text.

12. Do you agree with the proposed requirements for temporary approvals?

Yes No

If you have any comments on the proposed requirements for temporary approvals, please write them here.

Click or tap here to enter text.



Regulatory proposal 3: Fees

13. Do you agree that Manatū Hauora should charge for these processes?

- Yes No

What processes do you suggest we charge for?

Click or tap here to enter text.

14. Do you agree with the level of each of the fees?

- Yes No

If not, how much do you suggest we charge?

Click or tap here to enter text.

15. Do you agree with our cost recovery approach?

- Yes No

If not, what approach do you suggest we use?

Click or tap here to enter text.

Regulatory proposal 4: Notification requirements

16. Do you agree with the proposal that distributors and general retailers be required to re-register annually?

- Yes No

If you have any further comments (including how frequently registration should be required) please write them here.

Click or tap here to enter text.

Regulatory proposal 5: Youth vaping

17. Do you agree with the proposal to restrict the flavour names of vaping products to minimise their appeal to youth?

- Yes No

If not, why not? If you agree, which names do you think should be excluded or replaced on the example e-liquid flavour wheel set out in the consultation document?

Click or tap here to enter text.

18. Do you agree with the proposal to extend product safety requirements for disposable vaping products?

Yes No

If you have further comments on the proposal to extend product safety requirements for disposable vaping products, please write them here.

Click or tap here to enter text.

19. Do you agree with the proposal to restrict where Specialist Vape Retailers can be located?

Yes No

If you have any further comments on where Specialist Vape Retailers are located (including any particular locations that are important to you), please write them here.

Click or tap here to enter text.

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