

## Comparison between specialist vape retailers and general retailer obligations and exemptions

### 11 November 2020

Advertising and sponsorship relating to regulated products is prohibited  
 The sale of regulated products and toy regulated products to under-18s is prohibited  
 The importation and sale of nicotine products for chewing or similar oral use is prohibited  
 Retailers that meet the criteria to be a transitional specialist vape retailer benefit from specialist vape retailer exemptions (but don't have to comply with the obligations) until 24 November 2020

A retailer can elect to become a transitional specialist vape retailer if:

- they sell vaping products in New Zealand from at least one retail premises
- the retail premises from which they will sell vaping products is a fixed, permanent structure
- the proportion of their total sales from vaping products from their retail premises (**sales threshold**) is at least 50%.

### 25 November 2020

#### **Specialist Vape Retailers**

*Retailers that have elected to operate as transitional specialist vape retailers must operate as specialist vape retailers.*

A specialist vape retailer must take all practicable steps to prevent people aged under 18 from entering their Approved Vaping Premises.

Tobacco and herbal smoking products must not be displayed inside a retailer's premises or on their website.

A specialist vape retailer must continue to meet the required minimum sales threshold if they wish to continue operating as a specialist vape retailer.

Specialist vape retailers are exempt from the prohibition on vaping within workplaces. This allows specialist vape retailers to demonstrate the safe use of vaping products and means customers can try products before purchasing.

A specialist vape retailer may display its name or trade name on the outside of its premises even if it is derived from 'vape'.

#### **General Retailers**

*Retailers that have not elected to operate as transitional specialist vape retailers must operate as general retailers.*

General retailers inside their retail premises are prohibited from discussions with customers that encourage the use, promote the sale, or notify the availability of regulated products.

Tobacco and herbal smoking products must not be displayed inside a retailer's premises or on their website.

This does not prevent general retailers from:

- identifying products that are available for purchase and their prices
- encouraging smokers to switch to less harmful products.

A general retailer must not display its name or trade name on the outside of its premises if the name:

- signifies that regulated products can be purchased
- is a trademark of a regulated product
- is the name of a manufacturer or importer of a regulated product.

Specialist vape retailers are exempt from some prohibitions on advertising vaping products.

Specialist vape retailer may:

- communicate about vaping products to their existing customers, provided this complies with any relevant regulations
- talk to customers inside their Approved Vaping Premises about vaping products, provided this complies with any relevant regulations
- provide guidance on the safe use of the vaping products available in their Approved Vaping Premises
- distribute vaping products free or at a reduced charge from their Approved Vaping Premises or Approved Internet Site
- offer the purchaser of vaping products a gift or cash rebate, or the right to participate in a contest, lottery or game, in consideration for their purchase.

Specialist vape retailers must keep sales records and provide annual reports and returns to the Vaping Regulatory Authority. Reports and returns will be due by 31 January each year for the previous calendar year.

## 11 May 2021

Vaping products and smokeless tobacco products must not contain colouring substances.

## 11 August 2021

A retailer can apply to become a specialist vape retailer if:

- they sell vaping products in New Zealand from at least one retail premises
- the retail premises from which they will sell vaping products is a fixed, permanent structure
- the proportion of their sales from vaping products from their retail premises is at least 60%.

### Specialist Vape Retailers

Specialist vape retailers can sell vaping products and smokeless tobacco products of any flavour that is not prohibited (no flavours are currently prohibited).

### General Retailers

General retailers can only sell vaping products and smokeless tobacco products in tobacco, mint or menthol flavours.

## 11 November 2021

Transitional specialist vape retailers that have not applied to be, and been approved as, specialist vape retailers must revert to being general retailers

**11 February 2022**

Vaping products and smokeless tobacco products must have been notified before they can be sold in New Zealand.

***12 October 2020***