Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 1

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: | n/a |
| Position *(if applicable)*: | n/a |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

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### Declaration of tobacco industry links or vested interest

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|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| ECigarettes are a much safe alternative to smoking. I would like to see eliquids subject to regulated quality controls to ensure a quality and reliable product. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I would like to see a discreet conversion of tobacco smokers to E-cigarettes and favour a control on advertising. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The Vape is NOT smoke, containing toxins and particles etc. May as well ban steamy breath on a frosty morning. In my experience, vaping is much more capable of being conducted discreetly: I’ve even had a quiet puff in church. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Health risk NOT proved |
| Prohibition on displaying products in sales outlets |  |  | It’s a discreet activity. |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | Definitely! |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | In the interests of quality and safety |
| Requirement for annual testing of product composition |  |  | ditto |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  | The cost saving of vaping v. smoking is significant and would impact positively on poorer people. |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Because the actual nicotine content of e-liquids is measured in milligrams, and it is legal to import it (up to 3 months supply). The government collects 15% GST anyway. One of the benefits of vaping is that it reduces the costs by 9/10 compared to tobacco use: a significant advantage to beneficiaries and poor people who can spend the saved money on food for their children. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Makes sense |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  | Battery failures |
| Good manufacturing practice |  |  | ditto |
| Purity and grade of nicotine |  |  | Makes sense |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | But don’t go overboard on this. |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I really support vaping as a long-term strategy to wean Kiwis away from tobacco use. Since I started vaping a couple of months ago I have bought NO tobacco. This is also true of my brother who began vaping last month and has since bought no tobacco. I have introduced other smokers to vaping and they are all pretty enthusiastic, particularly in consideration of the cost savings. I also support Nicotine Replacement in the form of gum and patches etc., and I think for die-hard smokers vaping may be the only way to get them off tobacco. And in poorer families, the significantly reduced cost associated with vaping would have a very positive impact on family budgets. Overall, I would like to see all tobacco products vanish from New Zealand.  Also: vaping is quite relaxing. I notice personal benefits from a quiet and relaxed vape. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| There is no difficulty in purchasing online, either from overseas outlets, or New Zealand ones. A Google search quickly reveals many sites. The NZ online outlet I use usually delivers within 2 days by courier. There is a little shop not 5 minutes from my work where I can buy 10 ml bottles of nicotine e-liquid ($16 – a little pricey as my online costs is $25 / 30 mls).  The hardware can be bought locally (eg [redacted]) or ordered online. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 3 mths | daily | $12 | online |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 2

|  |  |
| --- | --- |
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Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: **consumer / ex-smoker**

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

**√** I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| Nil links |

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**Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes **√** No

Reasons/additional comments:

|  |
| --- |
| This will remove unnecessary barriers, provide access, convenience and knowledge for tobacco smokers wanting to quit smoking |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

Yes  No

Reasons/additional comments:

|  |
| --- |
| Nicotine oral sprays |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes **√** No

Reasons/additional comments:

|  |
| --- |
| Yes but I think under 16 years of age is more appropriate as access to e cigs as a quit tobacco solution should be available for anyone who smokes. (In my experience teenagers actually think vaping is un-cool). |

**Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes  No **√**

Reasons/additional comments:

|  |
| --- |
| It is ridiculous to control advertising of a safer nicotine delivery system that is a clear aid to enable smokers to quit. That’s like restricting water advertising because it looks like Vodka. |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes  No**√**

Reasons/additional comments:

|  |
| --- |
| Restricting vaping to smoking areas is like holding an Alcoholics Meeting in a pub, it’s not ok to associate vapor emission with smoke from combustion |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | √ | There is no basis to support this |
| Prohibition on displaying products in sales outlets |  | √ | There is no reason to not promote e cigs sale. |
| Restriction on use of vending machines |  | √ | There is no reason to not promote e cigs sale. |
| Requirement to provide annual returns on sales data |  | √ | Can’t determine a reason for this unless it is for potential taxation which should not be supported. |
| Requirement to disclose product content and composition | √ |  | Yes, consumers need to know what they are inhaling |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | √ |  | Yes although is a moot point for a vaper, if the nic level is high or the ejuice is not balanced this is determined with the first inhale, distaste is self-regulating. |
| Requirement for annual testing of product composition |  | √ | Refer above comment |
| Prohibition on free distribution and awards associated with sales |  | √ |  |
| Prohibition on discounting |  | √ |  |
| Prohibition on advertising and sponsorship |  | √ |  |
| Requirement for standardised packaging |  | √ |  |
| Other |  |  |  |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

Yes  No **√**

Reasons/additional comments:

|  |
| --- |
| I strongly oppose taxation on e-cigs, equating nicotine as a tobacco product for the purpose of taxation is morally corrupt. The reasons for taxing Tobacco don’t equate to e cigs unless it is to offset falling tax revenue from Tobacco as e-cigs enable greater smokers to quit. |

**Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?**

Yes**√** No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | √ |  | Yes for obvious reasons |
| Safe disposal of e‑cigarette devices and liquids | √ |  | This should relate to the batteries, same as for other devices LI batteries. |
| Ability of device to prevent accidents | √ |  | Important to prevent accidents to beginners, mech mods for sub ohming will always be available or homemade despite any restrictions. |
| Good manufacturing practice | √ |  | Of course, all consumers want good QA |
| Purity and grade of nicotine | √ |  | Yes, however this is self-regulating practically for a vaper |
| Registration of products | √ |  |  |
| A testing regime to confirm product safety and contents purity | √ |  | Yes, however this is self-regulating practically for a vaper |
| Maximum allowable volume of e-liquid in retail sales |  | √ | Nil rational I can think of for any restriction |
| Maximum concentration of nicotine e-liquid | √ |  | Yes this should be restricted due to its undiluted toxicity to prevent accidents to children and to DIY mixers. |
| Mixing of e-liquids at (or before) point of sale |  | √ | Unavailability of premixed Nic juice is a barrier for smokers wanting to start vaping as they see it as complicated |
| Other |  |  |  |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
| I smoked for 33 years, vaping worked to enable me to quit, I’m far healthier and active having not had a cigarette for 4 years. |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
|  |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
|  |

**Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 years | daily | $25 | Online |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 3

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

x as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

X I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

X I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

X I have tried e‑cigarettes.

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes X No

Reasons/additional comments:

|  |
| --- |
| I am using them to cut down tobacco until I no longer need cigarettes. If I can get nicotine from a safer source its helpful as I don’t want to smoke . Its hard to kick a habit and addiction of 40 yrs |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No X

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes X No

Reasons/additional comments:

|  |
| --- |
| It should not be an alternative to those who don’t smoke at a young age |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| It’s not tobacco – or alcohol and we legislate against too many freedoms as it is |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No x

Reasons/additional comments:

|  |
| --- |
| It’s not like tobacco smoke at all and shouldn’t be an issue |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | x |  |
| Prohibition on displaying products in sales outlets |  | x |  |
| Restriction on use of vending machines |  | x |  |
| Requirement to provide annual returns on sales data |  | x |  |
| Requirement to disclose product content and composition | x |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | x |  | Only to ensure content is what it says it is, not to prevent use of nicotine |
| Requirement for annual testing of product composition |  | x |  |
| Prohibition on free distribution and awards associated with sales |  | x |  |
| Prohibition on discounting |  | x | Good to discount to smokers will help us quit tobacco! |
| Prohibition on advertising and sponsorship |  | x |  |
| Requirement for standardised packaging |  | x | Don’t be ridiculous |
| Other |  | x | Do not put increased tax on it! It needs to be cheaper than smoking by a long shot! |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| definitely not – it needs to be far cheaper than cigarettes – you get enough revenue from us smokers as it is. The use of e cigs as a replacement should be encouraged and cheaper cost is a way of doing that. If you are going to tax it to hell like everything else then don’t bother regulating just make the nicotime huice legal and leave it alone! |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes x No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  | x | they already do |
| Safe disposal of e‑cigarette devices and liquids |  | x | ditto |
| Ability of device to prevent accidents |  | x |  |
| Good manufacturing practice |  | x |  |
| Purity and grade of nicotine |  | x | up to us to check – you don’t do that for smokes! |
| Registration of products |  | x |  |
| A testing regime to confirm product safety and contents purity | x |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | x | Our choice not yours |
| Maximum concentration of nicotine e-liquid |  | x | As above |
| Mixing of e-liquids at (or before) point of sale |  | x | As above |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| you should be making these a safe and easily accessible option for smokers like me who have tried patches, gum and twice tried medications that give us a 80% chance of a stroke to quit! This is a far better solution that meets our needs and will be more cost effective for govt health than anything else. Do not price it out of the reach of the normal worker – we don’t get Mp salaries! |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| no |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| no |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 2 months | daily | ? | myob |

# Consultation submission 4

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
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*(Tick one box only in this section)*

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Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| As part of my job I sell smokes. |

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As a personal user I have seen the advancement of the vaping industry world wide grow with basically zero downsides. As everything without some simple controls regarding availability / advertising / levels of nicotine there is the potential for something to go ageist the grain and take advantage of lack of Laws. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Not that I know of. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping is not something kids should be interested in or allowed to do especially the products including nicotine. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I disagree with this idea because Vaping is nowhere as harmful as tobacco smoking and should not be held in the same class as tobacco smoke. but there should be some simple controls like not marketing to children. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping is not as annoying to others as smoke, it doesn't hang around, doesn't stick to clothes or inside your car. The vaper disappears and breaks down in the air very quickly you cannot secondary vape like you can tobacco smoke. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  | Prohibition on Nicotine products only |
| Restriction on use of vending machines |  |  | No information on vending machines. |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  | Simple rules like not advertising to under 18. |
| Requirement for standardised packaging |  |  | Not so must standard looking but should have important information on them. |
| Other |  |  | Please dont go silly and just make a black-market for them. |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Ortho some juice contain nicotine many don't and many people myself included don't use the nicotine products or only use a very low dose. Having a tax would just make the selling / importing frustrating also it would increase the chance of people selling nicotine free products with nicotine to get around the tax. this goes ageist the whole idea of having a regulated industry with correct information displayed on package. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | But most brands all ready have this. |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  | Not sure what you mean my accidents that could happen and ive been vaping for years. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  | Not an issue |
| Maximum concentration of nicotine e-liquid |  |  | Most people run low nicotine as vaping is harsh with higher levels so not needed. |
| Mixing of e-liquids at (or before) point of sale |  |  | Whats wrong with this?? |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Some sensible requirements / laws would be well received by most in the industry, Without having some simple rules regulating the sale, packaging requirements of vapes is asking for trouble as is going the other way and making rules so strict that most people will just go underground / black-market / internet. You have a good chance to put in place some sensible rules and regulations around e-cigs and vaping and i applaud you to make a balanced regulated industry. Some simple ideas are  Packaging to show ratio (pg:vg) and nicotine strength, package size.  Country of origin or where the ingredients are imported from. ( USA, Japan and Europe is good china is bad )  Not displaying Nicotine Products at point of sale.  The industry is very mixed where you might find its counterproductive to make strong rules and push the same underground as with many other products ( including tobacco these days ) where a few simple rules will get everything moving in the right direction.  You cannot compare Vaping to Tobacco smoke ortho some Vapes do contain Nicotine the industry and products are so varied and always changing.  Blanket bans like in tobacco regulations will not work either by missing products or just pushing it underground like in Australia making the whole situation worse.  Not all vapes / e-cigs contain nicotine and lots of people and growing are just going for the flavoured juice as vaping is very social and cheap and very harmless especially when compared to other socially accepted. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 years | Daily | Very little under $20 | Locally and overseas |

# Consultation submission 5

|  |  |  |
| --- | --- | --- |
|  | Sent by: [Redacted]  02/08/2016 07:33 p.m. | To:"ecigarettes@moh.govt.nz" <ecigarettes@moh.govt.nz>,  cc:  bcc:  Subject: Vaping |

Hi my name is [redacted] and vaping has saved my life.... I am 40 years old and had been a two pack a day very heavy smoker for 28years And nothing ever helped! I tried cold turkey, hypnosis, patches n gum quit line, and the pills were the absolute worst!!! It was so hard trying any of these ways and any little craving wifff or triggers like a coffee food or just seeing someone smoking would make the WANT for a cigarette unbearable! And the poison (champix,xiban) o my God the all over body ache and feeling sick all the time I had to throw them away (now those should be banned). But one day a friend introduced me to vaping and I brought a small pen mod and a 12mg tobacco flavoured juice, and the world openned up to me! I had my mod with me all day and it was like a light switched on. I still smoked during this conversation BUT! I noticed I was craving for a smoke every half hr I would just puff away on my pen. In 3 days 12mg was getting a Lil harsh so I moved to 6mg I was smoking a third less just after 3 days keeping my smoking to after mine triggers coffee in the morning lunch n dinner after a week n a half I was down to 3 smokes a day the 3 main triggers! 2 weeks BANG none!!! Wow the release was real I never thought it could be so easy to extinguish that burden I was highly addicted too! 7 months later STILL SMOKE FREE I feel amazing!!!! I don't plan on quitting anytime soon I know I can at anytime but it's turned into a hobby and it's enjoyable. So in a long story short I owe my life to vaping and it's contributing affect in quitting smoking forever I know for a fact I will never smoke again! And if for some unknown reason I feel like a smoke I know there is an God sent alternative to keep me smokefree❤❤❤❤❤❤. PLEASE MAKE VAPING AN ALTERNATIVE TO QUIT SMOKING IT WORKS. Myself and thousands I know will say exactly that!

Sent from my Samsung Galaxy smartphone.

# Consultation submission 6

Submitter asked that submission not be published

# Consultation submission 7

[Redacted]

02/08/2016

Ministry of Health

New Zealand

Submisson

Policy Options for the Regulation of Electronic Cigarettes

Thank you very much for your time

I would like to voice support for legislating the use of Electronic Cigarettes inline with current NZ laws for tobacco.

As with current laws surrounding tobacco I believe:

E-Cigarettes devices and liquids should only sold at approved locations

E-Cigarettes devices and liquid containers should have child resistant features

E-Cigarettes devices should meet NZ safety standards

(as these devices contain lithium ion batteries there is a very small chance that poorly built devices and batteries could cause injury)

E-Cigarettes liquids should be regulated and checked to ensure they only contain approved substances and nicotine levels.

E-Cigarettes liquids are taxed inline with nicotine levels

E-Cigarettes liquids should face similar advertising and shop display bans inline with current laws for tobacco but I do not believe the same should apply to E-Cigarettes devices.

The use of any substance or device to facilitate the use of a substance is never without harm or risk and I believe that the function of any good governance is to take a science / evidence based approach to what will cause the most reduction in harm.

I believe that Electronic Cigarettes are a good pathway to harm reduction as demonstrated by this study undertaken report commissioned by Public Health England UK

<https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>

Thank you for your time

[Redacted]   Ecigarettes\_an\_evidence\_update\_A\_report\_commissioned\_by\_Public\_Health\_England\_FINAL.pdf

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 8

|  |  |
| --- | --- |
| **Your details**  This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

**X as an individual or individuals (not on behalf of an organisation)?**

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including ecigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your ecigarette use status:

**X I am using nicotine ecigarettes.**

I am using nicotine-free ecigarettes.

I currently smoke as well as use ecigarettes.

I am not an ecigarette user.

I have tried ecigarettes.

**Privacy**

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

**Declaration of tobacco industry links or vested interest**

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| N/A |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

**Consultation questions**

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

**Q1 Do you agree that the sale and supply of nicotine ecigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

**Yes**  ~~No~~

Reasons/additional comments:

|  |
| --- |
| The lack of availability deters many smokers from attempting e-cigs. Importing premixed juice is expensive due to freight costs. Importing nicotine to mix into your own juice is a scarey option for me (and I assume many others). I would like to be able to buy nicotine juice locally and know it was correctly mixed and handled correctly. |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

**Yes** ~~No~~

Reasons/additional comments:

|  |
| --- |
| You refer to e-cigarettes, a term which I associate with imitation cigarettes with a cartridge. I tried them 2 years ago and they were ineffective for me when trying to give up smoking. The ones that are working for me are personal vaporisers for use with liquid juice (that may or may not contain nicotine). These have batteries that last more than a few minutes and allow more control over the amount of vapour you inhale. They allow you to use e-juice at your own nicotine level and at your own consistancy due to a variable setup. I hope these are included in your definition of ecigarettes as there is a huge difference in their effectiveness vs the little ecig. |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of ecigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

**Yes**  ~~No~~

Reasons/additional comments:

|  |
| --- |
| If they have nicotine in them.  I wouldnt want to see a 5 year old buying some then getting it all over their hands.  I also think it necessary to have a warning about keeping the e-juice (with nicotine) out of the reach of children and pets. |

**Q4 Do you think it is important for legislation to control advertising of ecigarettes in the same way as it controls advertising of smoked tobacco products?**

~~Yes~~ **No**

Reasons/additional comments:

|  |
| --- |
| The message needs to get out there to smokers. However I do feel some guidelines are necessary to target the correct audience. |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

~~Yes~~ **No**

Reasons/additional comments:

|  |
| --- |
| The health risks of second hand smoke do not apply to second hand vapour. The smell is less offensive. I think it should be optional for businesses if they want to provide a vape free area as there are some places it may not be appropriate to vape (a shop assistant sending a vape cloud into the face of a customer being an extreme example of why it might not be appropriate). I do not believe public outdoor areas should be restricted as there is no danger to others in the area. |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to ecigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | X | Nothing to show :) |
| Prohibition on displaying products in sales outlets |  | X |  |
| Restriction on use of vending machines | X |  | R18 areas only |
| Requirement to provide annual returns on sales data |  | X | Who needs more red tape? |
| Requirement to disclose product content and composition | X |  | Need to know nicotine content. Need to know the % content of other ingredients to know if they are suited for your equipment. Need to know ingredients for allergy reasons. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  | Within reason. |
| Requirement for annual testing of product composition |  | X | Composition varies depending on requirements & equipment used. |
| Prohibition on free distribution and awards associated with sales |  | X | Why would you want to? The more the better to help move people from cigarettes to vaping. Would suggest an age restriction on these though. |
| Prohibition on discounting |  | X | Why would you want to? |
| Prohibition on advertising and sponsorship |  | X |  |
| Requirement for standardised packaging |  | X |  |
| Other |  |  |  |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

~~Yes~~ **No**

Reasons/additional comments:

|  |
| --- |
| Serves no purpose (apart from government accessing more hidden taxes) and removes one good incentive for people to change to vaping from cigarettes. |

**Q8 Do you think quality control of and safety standards for ecigarettes are needed?**

**Yes** ~~No~~

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | X |  |  |
| Safe disposal of ecigarette devices and liquids | X |  |  |
| Ability of device to prevent accidents | X |  |  |
| Good manufacturing practice | X |  |  |
| Purity and grade of nicotine | X |  |  |
| Registration of products |  | X |  |
| A testing regime to confirm product safety and contents purity | X |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | X |  |
| Maximum concentration of nicotine e-liquid | X |  | 18mg/l max for ready to vape e-liquid. 36 - 100mg/l for unflavoured nicotine juice. |
| Mixing of e-liquids at (or before) point of sale |  | X | Needs to be available, but should be an option to the client. |
| Other |  |  |  |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
|  |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of ecigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
| I am not a vendor. However a bigger range of products being available in NZ would be nice:) And more retail outlets. |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
| No |

**Q12 If you are using nicotine ecigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 2 months | 10-20 times a day | consumables = $15 | online stores |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 9

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Individual who has used an e cigarette to quit smoking and would like to see others have the opportunity to do the same.

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| I have no vested interest in e cigarettes. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E cigarettes have been proven to be safer than cigarettes and with appropriate control could give smokers another very helpful option to quit. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I can’t think of any. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think this is important because I believe it should be aimed as a smoking cessation product and not an alternative to smoking, therefore it should be aimed at current smokers over 18. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I personally don’t find it important if it was advertised as a smoking cessation device however I think it is a good and fair compromise to bring it under the same controls as our current smoking legislation with the exception of a tax hike. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| It isn’t important to me as such but I feel it isn’t appropriate to do so as it simulates cigarette smoking and can give that impression. Again I think it is fair to bring it under the same controls as current smoking legislation. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Encourage vaping for ex smokers |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | This is already almost standardised in vaping. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | As long as products declare their ingredients I think it is fine. |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  | Advertise and sponsor as a smoking cessation device. |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I don’t feel breaking peoples bank accounts is the solution to help people quit. I think the current massive margin between the price of smoking and the price of vaping encourages people further to quit. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  | Rubbish bin should be fine I haven’t had any issues, just keep bins away from children and animals, common sense |
| Ability of device to prevent accidents |  |  | Most popular e cigarettes have safety circuitry to prevent accidents and I believe this should be standardised. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | I don’t think this needs to be over the top, just random testing every now and again to keep manufacturers honest |
| Maximum allowable volume of e-liquid in retail sales |  |  | People will just buy liquid more often if it is restricted per time. |
| Maximum concentration of nicotine e-liquid |  |  | For safety I feel this is a good idea to not exceed 24mg for retail customers |
| Mixing of e-liquids at (or before) point of sale |  |  | Maybe introduce some kind of expiry date instead. For example a liquid mixed 2 weeks before sale shouldn’t be an issue but one mixed 2 years before sale might be. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I really hope common sense prevails here. I am a current e cigarette user but probably not for too much longer, I’m about to drop to nicotine free and then quit so this won’t affect me too much but I want to give others the option to quit with this method. I understand the price will have to increase a bit with introduction of quality control methods but I am all for this for health and safety. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. I am not a business owner |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 9 months | Every day | $10 | Import from USA |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 10

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Private user of e-cigarette

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

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|  |
| --- |
| No links to tobacco industry |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping does not emit the same type of toxins as tobacco smoke, if a person vapes and does not annoy or cause discomfort to others I personally think it should be allowed in traditional no smoking areas |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-liquid is not a tobacco product. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Please do not kill this industry. I smoked for 3o years and this was the only way I could successfully quit smoking. It has a huge health benefit and has definitely saved my life. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| I import most of my e-cigarettes and liquid |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 3 years | Dayly | $40 | Internet |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 11

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: | [Redacted] |
| Position *(if applicable)*: | [Redacted] |

*(Tick one box only in this section)*

Are you submitting this:

X as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

X Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

X I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| I can confirm I have no vested interests in this area, and that I have received no funding from the tobacco industry or related organisations. |

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**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes X No

Reasons/additional comments:

|  |
| --- |
| The product is clearly less harmful than tobacco, and evidence shows such products can significantly reduce tobacco consumption which has significant health benefits. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes X No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes X No

Reasons/additional comments:

|  |
| --- |
| But to a lower level. Advertising is important to establish the market but it needs to be restricted from advertising to children for example. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think there some be some restrictions but vaping is not the same as smoking so should be treated independently. I think there is a middle way to allow it in some open areas, but prohibit it in more confined spaces to protect people from second-hand vaping. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | X | Not enough is known to make this appropriate at this time. |
| Prohibition on displaying products in sales outlets |  | X |  |
| Restriction on use of vending machines | X |  | To ensure all sales are to appropriate persons |
| Requirement to provide annual returns on sales data | X |  |  |
| Requirement to disclose product content and composition | X |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales | X |  |  |
| Prohibition on discounting |  | X |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  | X |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Products can be taxed but should be taxed at a lower level to tobacco in order to encourage consumers to switch to the lower risk product. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes X No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | X |  |  |
| Safe disposal of e‑cigarette devices and liquids | X |  |  |
| Ability of device to prevent accidents | X |  |  |
| Good manufacturing practice | X |  |  |
| Purity and grade of nicotine | X |  |  |
| Registration of products |  | X | So long as appropriate standards exist |
| A testing regime to confirm product safety and contents purity | x |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | X |  |
| Maximum concentration of nicotine e-liquid |  | X | Let the market determine |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 12

|  |  |
| --- | --- |
| **Your details**  This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

J as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

J Other sector(s) *(please specify)*:      Personal interest

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

J I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
|  |

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**Consultation questions**

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**Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes

Reasons/additional comments:

|  |
| --- |
| This is an effective way to manage nicotine addiction in the general population. |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

Yes

Reasons/additional comments:

|  |
| --- |
| This consultation should also look at wax delivery systems on the market and commercially available nicotine wax. |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes

Reasons/additional comments:

|  |
| --- |
| It is essential to control and regulate the sale of these products to minors. It is also an effective tool for harm reduction. |

**Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes

Reasons/additional comments:

|  |
| --- |
| This product does not need promotion, the people who need this product have exhausted other options for smoking cessation and are actively looking for options to ease the cravings for the habitual pattern of smoking, holding something in the hand, inhaling, exhaling and visually seeing a simulation of cigarette smoke. |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

No

Reasons/additional comments:

|  |
| --- |
| Smoke is created in the process of ignition of a flammable substance. Tobacco smoke contains hundreds of complex compounds created by the burning process. Nicotine delivery systems do not ignite any substance and do not produce smoke. The nicotine is pure having been stripped from the tobacco and heavily diluted in the base liquid, is then heated by a coil of wire similiar to fuse wire which causes the liquid to evaporate, the slow inhalation from the user pulls the liquid through the wick around the coil similiar to how a wick in a candle works, this process creates a seemingly dense cloud, which is in reality a vegetable byproduct with a tiny amount of purified nictone. If you were to add this to the smoke free act as a banned item, you would also have to consider spray vegetable oil s, CRC 556 and many other aerosol products which create a vapor cloud through pressurisation for other purposes with similiar or greater pollution considerations in terms of chemical content. |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | no | It is a smoking cessation device and should only have a warning against use by minors. |
| Prohibition on displaying products in sales outlets |  | no | Accompaning warnings of age restriction only. |
| Restriction on use of vending machines | yes |  | Sale should be restricted to premises where age restriction can be enforced. |
| Requirement to provide annual returns on sales data | yes |  | Necessary for statiscal purposes. |
| Requirement to disclose product content and composition | yes |  | Necessary to meet consumer rights and obligations. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | yes |  | Necessary to ensure the quality of the products sold. |
| Requirement for annual testing of product composition | yes |  | Necessary to ensure the quality of the products sold. |
| Prohibition on free distribution and awards associated with sales |  | no |  |
| Prohibition on discounting |  | no | This would have a negative effect for the general population who should be able to take advantage of clearance and old stock sales of nicotine delivery systems by retailors. The nicotine vaping oil should be exempt as it is a smoking cessation aid and should be heavily subsidised and available from your doctor on perescription. |
| Prohibition on advertising and sponsorship |  | no |  |
| Requirement for standardised packaging |  | no |  |
| Other |  |  |  |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

No

Reasons/additional comments:

|  |
| --- |
| Normal tax duty should apply only, it is a smoking cessation product with low amounts of purified nicotine. |

**Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?**

Yes

Additional comments:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** | |
| Childproof containers | J |  |  |
| Safe disposal of e‑cigarette devices and liquids |  | J | All old batteries need safe disposal | |
| Ability of device to prevent accidents |  | J |  | |
| Good manufacturing practice | J |  |  | |
| Purity and grade of nicotine | J |  |  | |
| Registration of products |  | J |  | |
| A testing regime to confirm product safety and contents purity |  | J |  | |
| Maximum allowable volume of e-liquid in retail sales |  | J |  | |
| Maximum concentration of nicotine e-liquid | J |  |  | |
| Mixing of e-liquids at (or before) point of sale |  | J |  | |
| Other |  |  |  | |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
| I have successfully quit smoking with a vaporiser after years of trying through Quitline with patches and gum and champix. I purchased a vaporiser in May 2015 and I found myself days later with a packet of untouched cigarettes and the feeling like I had not given up a thing, but had stopped smoking. I have not looked back and I am finally free from tobacco. I have found it hard to source quality vaping oil and welcome commercial importation of tested products from regulated countries or local production with high quality standards. |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
| no. |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
| no financial interest. |

**Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 15 months | 10-15 times a day | $12-$25 | shops and online |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 13

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

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Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Yes I strongly agree with the sales of e-cigarettes and nicotine liquids, the government wants NZ to become smoke free by 2025 but at the moment they are restricting what has been proven to be one of the most effective ways to give up smoking, a way that has 95-98 percent harm reduction over smoking. At the moment unless you are a well off person with a credit card and have a computer and knowledge of where to get and how to order nicotine for personal use then you have to either keep smoking or try more ineffective methods. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I can’t think of any at this point in time. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I don’t think anyone should be allowed to sell to people under the age of 18 even if it is hardware and nicotine free. However I wouldn’t be opposed to parents buying one for their child even if the child is under 18 IF the child is a current smoker then vaping and getting them off smokes is beneficial for their health, however that parent would always have to purchase the eJuice |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think it’s essential that people know/learn and are informed that there is a much healthier alternative to smoking and a way that will help them possibly give up smoking entirely that will be more economical. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Absolutely not, since it has been proven that there is no second hand vape harm then NO it should not prohibit where you can and cant vape. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  | I think that they should only be sold in proper Vape shops where the people selling them have the knowledge in use of the items and can answer any questions that the person may have in order to make an informed decision. |
| Restriction on use of vending machines |  |  | This should NOT be allowed as you can’t control the age restriction on a vending machine. |
| Requirement to provide annual returns on sales data |  |  | I don’t feel this should be mandatory |
| Requirement to disclose product content and composition |  |  | Basic product content is very important, especially the nicotine mg level |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Basic ingredients should be disclosed. |
| Requirement for annual testing of product composition |  |  | I don’t see that this should be mandatory |
| Prohibition on free distribution and awards associated with sales |  |  | Awards systems should be allowed, it is a way to encourage a healthier lifestyle. |
| Prohibition on discounting |  |  | This should be allowed |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| If you want a healthier New Zealand, less medical bills then why would you put heavy duty on something that is trying to save people? |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  | Some people only get paid monthly, so would tend to by larger quantities. |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Don’t be greedy, don’t tax/restrict something that can essentially save lives for the sake of making more money off people who this could help!!! |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| There are a great number of different devices already on the market at affordable prices, and many great nicotine free eJuices, all that is required is for nicotine to be allowed. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 8 months | daily | 20 | Overseas |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 14

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: | [Redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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If you do not want your submission published on the Ministry’s website, please tick this box:

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Remove my personal details from responses to Official Information Act requests.

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigarettes should be held out of view of children but available in all places that tobacco products are sold, and also held in Pharmacies. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Nicotine patches, inhalators and chewing gum should be available in all outlets that currently sell tobacco products, and Pharmacies. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| No one under the age of 18 should be permitted to purchase e-cigarettes or any product with nicotine in it. Despite this they should be made available to under 18 year olds on prescription by a doctor if underage addiction is diagnosed. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I feel the arguments here get blurred. Vaping doesn’t produce second hand smoke containing tar and other dangerous chemicals and therefore doesn’t pose a health risk to non smokers. “It’s not a good look” is not a sound argument for banning vaping. Unless there is solid evidence that the fumes exhaled by someone vaping contain potentially addictive levels of nicotine, e-cigarettes should be allowed in all places that alcohol is allowed. This would send a message that vaping is more socially acceptable than smoking, encouraging smoking cessation. Prohibiting vaping in the same manner as smoking drives it underground and would create a second group of potential addicts alongside existing smokers and previously legal artificial cannabis users. There has to be benefits to switching to vaping: saving money and more social acceptance. Once all nicotine addicts have stopped smoking we can facilitate those vaping to move to non nicotine based e-cigarettes. For a hardened smoker such as myself this will provide a phased and supportive route out of a debilitating habit. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | None proven |
| Prohibition on displaying products in sales outlets |  |  | No visual stimuli to encourage youth |
| Restriction on use of vending machines |  |  | Too easy for youth to access |
| Requirement to provide annual returns on sales data |  |  | You want vaping sales to rise as tobacco sales decrease |
| Requirement to disclose product content and composition |  |  | No ability for companies to add other addictive substances, or substances that enhance addictive nature of nicotine |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | A cap on maximum nicotine content permitted |
| Requirement for annual testing of product composition |  |  | No ability to enhance addictive nature of e-cigarettes in the same way that tobacco companies have been allowed to do over the years through the addition of addiction-enhancing complementary chemicals |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  | Happy for e-cigarettes to be loss leaders if it helps people move away from smoking |
| Prohibition on advertising and sponsorship |  |  | No visual stimuli for youth |
| Requirement for standardised packaging |  |  | Not initially, later on once NZ is smokfree. Restrictions on youth-oriented package designs though. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Absolutely not. Excise will discourage take-up and remove an important motivation for smokers to break a highly addictive habit. Only tax should be to cover quality testing regime to protect vapers from the addition of addiction-enhancing chemicals. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  | No ability for manufacturers to add addiction-enhancing additives |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | including any filtering mechanisms that may add addiction-enhancing chemicals |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I’m an intelligent educated successful woman yet I struggle to control my smoking addiction. The subject of addiction has got somewhat lost amongst all the rallying against smoking in NZ. Punitive measures such as increased tobacco tax haven’t help me stop. Health issues haven’t made me stop. Previously introduced measures have prevented new uptake of smoking which is great but the fact that there is a huge genetic component to addiction has been ignored. Now is the time to help seriously addicted tobacco users move to a product that won’t strain the Health services. This should be encouraged. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 15

|  |  |
| --- | --- |
| **Your details**  This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |
|  |  |
|  |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including ecigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your ecigarette use status:

I am using nicotine ecigarettes. x

I am using nicotine-free ecigarettes.

I currently smoke as well as use ecigarettes.

I am not an ecigarette user.

I have tried ecigarettes.

**Privacy**

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|  |
| --- |
| No connection to tobacco industry |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

**Consultation questions**

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

**Q1 Do you agree that the sale and supply of nicotine ecigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes No

Reasons/additional comments:

|  |
| --- |
| Yes |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

Yes No

Reasons/additional comments:

|  |
| --- |
|  |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of ecigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes No

Reasons/additional comments:

|  |
| --- |
| Yes |

**Q4 Do you think it is important for legislation to control advertising of ecigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes No

Reasons/additional comments:

|  |
| --- |
| No |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes No

Reasons/additional comments:

|  |
| --- |
| No |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to ecigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | no | its less unhealthy than a double down |
| Prohibition on displaying products in sales outlets |  | no |  |
| Restriction on use of vending machines |  | no |  |
| Requirement to provide annual returns on sales data |  | yes |  |
| Requirement to disclose product content and composition |  | yes |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  | no |  |
| Requirement for annual testing of product composition |  | no |  |
| Prohibition on free distribution and awards associated with sales |  | no |  |
| Prohibition on discounting |  | no |  |
| Prohibition on advertising and sponsorship |  | no |  |
| Requirement for standardised packaging |  | no |  |
| Other |  |  | don't you dare fucking slap a tax on this you twisted bureaucrats I can barely afford to live as it is |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

Yes No

Reasons/additional comments:

|  |
| --- |
| NO don't you dare fucking slap a tax on this you twisted bureaucrats this is people trying to help themselves quit something 100% poisonous for something far less toxic if you slap a tax on it you're effectively saying you may as well smoke the biggest reason majority of people are switching to vaping is cost and once you are used to it it is very enjoyable. |

**Q8 Do you think quality control of and safety standards for ecigarettes are needed?**

Yes No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of ecigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | no | people should be allowed to buy bulk and produce their own juice its not hard |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
| don't fucking tax this you twisted bureaucrats its not like smoking you don't want people to give it up you want people to consume |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of ecigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
|  |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
|  |

**Q12 If you are using nicotine ecigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 months | constantly | about $10-$20 | ONLINE ONLY |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 16

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: | [Redacted] |
| Position *(if applicable)*: | [Redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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|  |
| --- |
| Nil |

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**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

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## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I believe this should be allowed with the same age restriction as Cigarette sales currently have. Also by having appropriate controls in place, this should ensure the eliquids with nicotine are safe to use. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I have checked both. Yes for nicotine based liquids, but no for zero nicotine liquids.  There is no evidence that Vaping is a ‘Stepping Stone’ to smoking – in fact, it actually appears the opposite is happening more recently – ie. Smoking is a stepping stone to vaping, in that smokers are using vaping to give up smoking AND reduce their nicotine intake. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping is not harmful as cigarettes are (Reference Health UK Report which states e cigarettes are over 95% less harmful than cigarettes). |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think vaping should not be restricted as much. Indoors should still have some restrictions, but outdoor areas – definitely not.  Also, this would open up the opportunity to have some indoor areas ok for vaping subject to adequate ventilation. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Vaping is not harmful so there is nothing to warn about! |
| Prohibition on displaying products in sales outlets |  |  | Vaping is not harmful |
| Restriction on use of vending machines |  |  | See above |
| Requirement to provide annual returns on sales data |  |  | It would be interesting to see the uptake of vaping and compare it to ‘downtake’ of cigarette sales |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Same as standard regulations for food |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Eg. My personal experience. I was a pack a day smoker up until 3 months ago when I switched to vaping. I have not had a cigarette since. The cost saving was actually one of the big advantages which encouraged me to change. Taxing nicotine would have removed my incentive to change. Also Nicotine is not the chemical which causes the medical problems, Nicotine eliquids do not contain the harmful substances which Cigarettes do – so why tax the nicotine?? |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | Only initially to ensure good practices are encouraged – then can gradually be withdrawn |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I am a 49 year old male who has been smoking since I was 12. For the last 2 years I was smoking a packet a day. Previously I have tried ALL available stop smoking programs without success.  I started Vaping 3 months ago, and have not touched a cigarette since. In addition I have reduced my nicotine level by half. Ie. I started at 12mg nicotine, and am now down to 6mg. I am about to go to 3mg (ie. Half again). I assume I will go to zero in an equivalent period.  Vaping has been better for my immediate health, it has saved a lot of inconvenience, and more importantly has provided me with significant cost savings.  I am also aware that it will likely provide me with SIGNAFICANT longer-term health benefits. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| I have been able to purchase all of my vaping needs through online retailers based in NZ. I also purchase some stuff from overseas due to cost and/or availability. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| NA |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| Over 3 months | 5 times per day | $40 | NZ Online Retailers |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 17

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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|  |
| --- |
| No vested commercial interests |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I believe e-cigarettes are a workable alternative to smoking |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| This prohibition will discourage young people from starting on e-cigarettes; in the same way prohibition on tobacco products does. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| e-cigarettes need promotion as a real alternative to tobacco; we need to get the word out. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I support vaping in smokefree areas. This will allow those who choose to vape to enjoy the same social environment as non-smokers. Vaping is smokefree so by definition, should not come under any smokefree definition. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | No proven harmful effects |
| Prohibition on displaying products in sales outlets |  |  | Vaping is not smoking |
| Restriction on use of vending machines |  |  | e-cigarettes need to be freely available |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | We have a right to know what we are vaping |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Set nicotine content limits; extra high/high/mild etc |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  | We don’t need a free-for-all environment |
| Prohibition on discounting |  |  | Let the market set the price |
| Prohibition on advertising and sponsorship |  |  | Need to promote as alternative to smoking |
| Requirement for standardised packaging |  |  | Vaping is not smoking so not relevant to tobacco legislation. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Tax as standard goods and services |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  | Limit to extra high/high/mild |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I smoked for over 45 years and e-cigarettes are the only smoking preventative that’s working for me… I’ve tried most alternatives without success. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 2 weeks | 14 puffs per day | $10 | On-line |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 18

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| --- | --- |
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Health professional

Māori provider

Pacific provider

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Please indicate your e‑cigarette use status:

X I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| I have no affiliation or interest in any tobacco company nor do I have any interest or financial stake in any tobacco or vaping company here in New Zealand. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes X No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes X No

Reasons/additional comments:

|  |
| --- |
| When we are discussing e-cigarettes, I define those as closed systems such as the cigalikes that are currently available in pharmacies and chemists. I personally use an open tank personal vaporiser which bears no similarity to the “cigalikes”. The reason for this is that the “cigalikes” do not provide me the satisfaction in vaping that I get with my current system. I do believe there needs to be a clear definition between the cigalikes, the open tank system I use with liquid and the dry herb vaporisers that are used for cannabis and similar illegal products. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| I would rather see the sale and supply of nicotine containing e liquid handled in the same manner as any other 18+ consumer product (such as alcohol). It should not be promoted to those under 18, but it should not be treated the same as tobacco as it is NOT tobacco  That being said I would rather see a teenager vaping than smoking combustible tobacco because the nicotine that may be present in e liquid is not as addictive as that within a cigarette, as the chemicals that are in cigarettes is what makes them addictive. It’s not the nicotine that is the addictive substance.  Besides, most teenagers who do vape are not using nicotine in the first place because it is not readily available. So I agree that nicotine e liquid should not be legal for under 18 but I see no reason why an electronic cigarette with no nicotine should be age restricted. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes No X

Reasons/additional comments:

|  |
| --- |
| As a consumer 18+ product that is NOT tobacco, e-cigarettes should not be treated the same as combustible tobacco in any way shape or form. That being said, I do believe that as a consumer 18+ product it should not be promoted to those under 18+ the same as alcohol is restricted. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Society has already demonised smokers, and the evidence shows that their second hand smoke is a health hazard. Which is precisely why there are additional taxes and excise on combustible tobacco.  However, second hand vapour is not a health hazard and should not need to be prohibited, nor taxed for that matter, in the same manner.  The fact of the matter is this: vaping and smoking are two completely different things and should not be grouped together under the same discriminatory label with the same punitive excises, restrictions and taxation. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | X |  |
| Prohibition on displaying products in sales outlets |  | X |  |
| Restriction on use of vending machines |  | X |  |
| Requirement to provide annual returns on sales data |  | X |  |
| Requirement to disclose product content and composition | X |  | Labelling on e-liquid should be standardised as to what is done in other countries: flavourings, nicotine level, PG/VG ratio and date of manufacture. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  | Food grade flavourings, USP/BP grade Glycerol and/or Propylene Glycol and USP/BP grade liquid nicotine should be required. |
| Requirement for annual testing of product composition |  | X |  |
| Prohibition on free distribution and awards associated with sales |  | X |  |
| Prohibition on discounting |  | X |  |
| Prohibition on advertising and sponsorship |  | X |  |
| Requirement for standardised packaging | X |  | The only standardisation should be that the label includes the information I noted above. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Definitely not. There should be no additional taxes beyond GST on any e cigarette/personal vapouriser equipment nor e-liquid whether it contains nicotine or not.  The reason it exists on traditional cigarettes is a) to deter people from using them and  B) to pay towards healthcare costs, neither of which apply to vaping as per the research cited in the documentation.  Vaping should be treated as a Consumer Product 18+ (the same as alcohol) |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes X No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | X |  | To prevent accidental ingestion if someone leaves their liquid out in reach of children (same as with medicines) |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  | X | Most devices already have lockout systems so no need for additional measures |
| Good manufacturing practice | X |  | I would expect that juice manufactured in NZ would follow the same guidelines and best practice as the international juice makers: clean rooms/kitchens, food grade flavourings, USP/BP grade VG and/or PG and USP/BP grade nicotine liquid. |
| Purity and grade of nicotine | X |  | The use of pharmaceutical grade nicotine, same as in nicotine patches, gum and lozenges. |
| Registration of products |  | X |  |
| A testing regime to confirm product safety and contents purity |  | X |  |
| Maximum allowable volume of e-liquid in retail sales |  | X |  |
| Maximum concentration of nicotine e-liquid |  | X |  |
| Mixing of e-liquids at (or before) point of sale |  | X |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Would accept a compromise of the current importation acceptable 3-month supply 250ml 100mg unflavoured nicotine per person supply to a recommended safer consumer option of 48mg 500ml unflavoured nicotine per person 3-month supply, based on the rationale that health and safety at 48mg of nic is far safer than 100mg nic levels being ingested accidently. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| Average 30ml bottle of flavoured e-juice 0-mg nicotine is $12-$15 |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| N/A |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 6 years | Very Often | $20 | Online |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 19

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
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| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

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Tobacco control non-government organisation

Y Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

Y I am not an e‑cigarette user.

I have tried e‑cigarettes.

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes X No

Reasons/additional comments:

|  |
| --- |
| Yes, because they’re less harmful than smoking normal cigarettes. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No X

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes X No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No X

Reasons/additional comments:

|  |
| --- |
|  |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | X |  |
| Prohibition on displaying products in sales outlets |  | X |  |
| Restriction on use of vending machines |  | X |  |
| Requirement to provide annual returns on sales data |  | X |  |
| Requirement to disclose product content and composition |  | X |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  | X |  |
| Requirement for annual testing of product composition |  | X |  |
| Prohibition on free distribution and awards associated with sales |  | X |  |
| Prohibition on discounting |  | X |  |
| Prohibition on advertising and sponsorship |  | X |  |
| Requirement for standardised packaging |  | X |  |
| Other |  | X |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
|  |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | X |  |  |
| Safe disposal of e‑cigarette devices and liquids | X |  |  |
| Ability of device to prevent accidents | X |  |  |
| Good manufacturing practice | X |  |  |
| Purity and grade of nicotine | X |  |  |
| Registration of products | X |  |  |
| A testing regime to confirm product safety and contents purity | X |  |  |
| Maximum allowable volume of e-liquid in retail sales | X |  |  |
| Maximum concentration of nicotine e-liquid | X |  |  |
| Mixing of e-liquids at (or before) point of sale | X |  |  |
| Other |  | X |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| No |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 20

|  |  |
| --- | --- |
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|  |
| --- |
| None, just a vaper. |

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think it’s proven itself over and over in the UK, US, Canada, Europe and so on. I think you should definitely allow the sale of it, it can’t be worse than allowing cigarettes to be sold on every second street corner. I also think the rules should not be too stringent for the retailers, if they are the range of products will be limited, as it is now it is hard to find that perfect flavour of juice, if you make it hard to sell and people only get to buy a limited range of juice and they don’t like it they will definitely go straight back to the cigarettes, you will only “Never have a smoke again” once you find a juice you love. Until that happens you are not going to be satisfied. I agree that high quality juice should be sold only, that would be good. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping equipment including vape pens, vaporizers, tanks, batteries etc, not just the “Cig-a-like” E-Cigs. We need access to all vaping products. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Yes, because of the nicotine and similarity to smoking, 18 yrs or older is good. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Advertise it so more people will live and less people will die. All smokers need to know about this asap. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think there should be designated areas to VAPE indoors and anyone vaping in public should be respectful towards other people. There is no or little health risk with 2nd hand vapor but it could be very annoying to others I agree. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | What about? It’s NOT smoking. |
| Prohibition on displaying products in sales outlets |  |  | No, why, it’s not smoking it’s vaping and it should be restricted to 18yrs or older and be on display for vapers to buy. |
| Restriction on use of vending machines |  |  | Vending is a bad idea, not enough control for minors. |
| Requirement to provide annual returns on sales data |  |  | Why, this is not cigarettes once again. |
| Requirement to disclose product content and composition |  |  | Yes but only by having a normal manufacturers bottle label, that’s all we need, as long as it tells you what the PG/VG ratio is, the amount of nicotine in mg or % and the flavour that’s sufficient for me. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Yes, in other words do not allow juice from China that does not have all this info, only allow juice that has the basic info at least, in English too. US juice is of a much higher quality normally than Chinese juice which I refuse to use. |
| Requirement for annual testing of product composition |  |  | I don’t see the point, that just makes things harder for the retailers that already have to import the product and go through many hoops, the manufacturers label providing it is from a reputable manufacturer should be sufficient, I would be happy if they were not tested. |
| Prohibition on free distribution and awards associated with sales |  |  | I don’t see why this is being treated like cigarettes, it’s not, it looks like it and has nicotine but it shouldn’t be treated the same way, as long as they are of age it should be fine. |
| Prohibition on discounting |  |  | No it should not be treated like cigarettes why not have discounts, we need a competitive market so we get good deals. Vaping is cheaper, lets help people live longer and |
| Prohibition on advertising and sponsorship |  |  | No, it should be advertised, people want to know what is out there, it’s not cigarettes, it should not be treated like them |
| Requirement for standardised packaging |  |  | No, there is no point, no point at all, f it was giving you cancer maybe like cigarettes, but this is completely different. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| That would be a really bad idea, I think the health of the NZ people is way more important than the Govt pocketing the tax and also trying to make up for the lack of tax coming in from cigarettes once people switch to vaping. I think they need to stop thinking this is a tobacco product, it is not. It is water vapor with a hint of nicotine and some flavouring, not a cigarette. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Yes, they all are anyway from the US, never seen one that isn’t. Chinese ones will have unsafe lids I bet. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Dump capped only. |
| Ability of device to prevent accidents |  |  | If people use Genuine / Authentic high quality products from the BIG companies in USA they will be fine, if they buy Clones or Counterfeit vaporizer pens from China they are asking for trouble. All the shops in NZ sell mainly Kangertech, Innokin, Joyetech etc and they are all great, Chinese copies are on Ebay and are not good to buy at all. But you shouldn’t not allow them, that’s the consumers choice. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  | Just ban all Chinese juice. |
| Registration of products |  |  | Way too many hoops to jump already, retailers don’t need the extra hassle and cost, there would be very little profit in a bottle anyway if it has to be imported and there is competition in the market. Definitely not. |
| A testing regime to confirm product safety and contents purity |  |  | Use high quality (maybe there is a standard in USA we could stick to?) only from USA, no testing required. The juice I buy has 100% of the ingredients approved by the FDA in the US, they do not however approve the final juice once all mixed only because they can’t comment on the safety of Vaping That Juice. The actual ingredients themselves are approved though. Maybe we need to look at what “standard” the US use? |
| Maximum allowable volume of e-liquid in retail sales |  |  | No, why, it is extremely important to “STEEP” your e-liquid and that involves storing it in a dark place and shaking it and burping the bottles regularly, this takes time to age the juice, all juice needs it. Fresh juice is like homebrew that didn’t have a day to age, it’s horrible so people need to be able to buy lots, as much as they want to store away and also take advantage of sales and new flavours when they come out. We don’t need to limit the amount, even with cigarettes it wouldn’t change anything, they are still going to be smoked, in our case vaped. |
| Maximum concentration of nicotine e-liquid |  |  | This should be up to the vaper, you can only get up to 24mg / 24% juice normally but now everyone is turning to new devices called SUB OHM Vaping or Sub Ohming. When you Sub Ohm you use a Sub Ohm Vaporizer that burns a bit hotter and produces more vapor, this also means you get more nicotine so people that normally use 12mg juice will only use 6mg juice in a Sub Ohm Vape. You will find that people want lower than 18mg I would imagine, even if they want 24mg I don’t see any issues with that. |
| Mixing of e-liquids at (or before) point of sale |  |  | Monitoring like health certificates would be good if making the juice to sell in NZ. I agree there needs to be some sort of standard for sure. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I feel that it’s a proven fact, it saves lives, just look at the big countries that are allowing sales, they are booming with people vaping everywhere and not smoking everywhere, it’s fantastic, it will save so many lives and it will completely obliterate smoking forever I believe, smoking will be the most ridiculous thing to do in the near future. You will be very “Un Cool” if seen smoking, vaping is the new smoking although I hate using the same words in one sentence. Vaping is the most amazing development I have seen in my lifetime and it got me off cigarettes along with my wife, we smoked a pack a day for 25 years. If you offered me $1000 to smoke an entire cigarette now I would tell you to keep your money as I would be sick as a dog and hate every moment of it. I used to love cigarettes until I vaped. Just remember, you will not ever enjoy vaping until you find a juice you love, don’t be put of vaping if a friend offers a puff of a disgusting coffee flavour for example, you need to have access to a massive range of flavours to find a good one, when you do you will NEVER smoke again. I am vaping while I am writing this, inside the house and there is zero odour, you can’t beat it. To explain what I mean by massive range of flavours, one of the stores I buy from in USA has over 30,000 yes 30 Thousand flavours to choose from, they custom mix your desired choice and there are over 30,000 combinations to choose from, we need access to a wide variety of juice from USA and maybe UK or by NZ juice makers with rules that they need to adhere to.  Some positive points you might not know about vaping:  No bad breath  No stained teeth or fingers  No smelly car or house  No lung cancer or other serious diseases  Not so annoying to non-vapers as smoking is  If you fall asleep vaping, you won’t burn the house down  They are much cheaper than smoking  They don’t require a butane lighter which is not healthy  No more used buts on the sidewalk or fires in trash or even forest fires  Vaping doesn’t make you cough like smoking  No ash  No ash trays lying about  No Smokey house or car (2nd hand smoke)  Finally, it’s a million times more enjoyable than cigarettes |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| There’s a few places to buy juice but mainly it’s [redacted] that have spread their business far and wide disregarding the rules to a massive degree buy stocking all the dairies etc. I don’t buy any products in NZ, I buy all my juice from USA retailers and only the well-known ones like HALO, MT BAKER etc. I like to buy from Virgin Vapor because their juice is all natural and 100% VG with no PG in it. It’s very pure and high quality. I wouldn’t buy a [redacted] for example because they do not tell you what is in it and I have tried a few and they use terrible cheap Chinese juice I am sure, that I don’t like and I think that only high quality US (for example) juice should be sold here. I buy about 12x 30ml bottles at a time from USA, I only do that if I have tried it and love it, I do buy a lot of new single bottles to try too. If I could buy all these juices in NZ it would make it so much easier for me to vape and everyone else. It’s way too difficult to get good juice now, you have to go online and you have to have a credit card too. NZ has very little to offer but I want that to change, it’s so important to have a massive range so people new to vaping can find a juice they love and then they will be hooked on vaping and the smokes will be history. That will not happen if they can’t find a juice they love. I think buying juice online in NZ would be ideal, I would certainly buy all my juice here online if it was all legal and available. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No don’t have one. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 5 years | All day, dawn to bedtime. | $25 | USA, only the well-known big manufacturers like Halo, Mt Baker Vapor, Virgin Vapor. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 21

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Advertising e-cigarettes as smoking cessation devices only. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Healthcare should not be a money-making exercise for the government. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  | No reason to be forced to make continual trips to restock e-liquid. |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  | Unsure what the question is asking, this should be allowed. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 7 months | Daily | $7-$10NZD | U.S.A. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 22

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | N/A |
| Position *(if applicable)*: | N/A |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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|  |
| --- |
| N/A |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigs and nicotine are safe when used properly. They’re an effective way to quit smoking and I attest to that. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I’m not aware of any. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Nicotine is physically addictive.  Li-on batteries, which are commonly used in e-cigarettes and many other devices, can be dangerous if neglected or misused. It’s possible to start a fire with an 18650 li-on battery that has damaged wrapping or no wrapping by placing a paper clip on top of it.  People under 18 may be less cautious and addiction is something they may not be ready for. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Addictive substances shouldn’t be advertised, with one possible exception: e-cigarette advertisements on blank cigarette packs.  It’d also be a good idea for GPs to suggest e-cigs to smokers who’re struggling to quit. Perhaps they could gradually cut back the nicotine content in their e-liquid. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Second hand vapour isn’t dangerous, however clouding up places in close proximity to other people isn’t respectable. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  | If a store primarily sells e-cigarette, e-liquid and/or tobacco products it shouldn’t be required to hide the non-tobacco products. General stores shouldn’t display nicotine products. |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | Any potentially harmful or untested ingredients should be disclosed. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Only for unsafe ingredients. Nicotine content shouldn’t be restricted. However there should be warnings that nicotine’s highly addictive, dangerous at high doses and can be absorbed through skin. |
| Requirement for annual testing of product composition |  |  | I don’t have enough information to judge how often testing should be done. However the community is sure to react strongly to bad or mislabelled e-liquids and vendors will be cautious of that. |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  | Standardised nicotine content labelling and a warning about its addictive nature is needed. Forbidding packaging from targeting under 18s makes sense. Plain packaging isn’t necessary. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Nicotine poses no significant health risk when taken responsibly.  Imposing an additional tax on nicotine could eventually make the government reliant on it for revenue and that could have unforeseen consequences. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Nicotine can be sold highly concentrated. It’s poisonous at high doses. It can be absorbed through skin. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Disposal of devices isn’t a problem. Disposal of highly concentrated nicotine is potentially dangerous. Disposal of li-on batteries could start fires. Guidelines wouldn’t be amiss. |
| Ability of device to prevent accidents |  |  | Accidents caused by e-cigarettes are rare and highly publicised, which causes consumers to stop buying from the manufacturer if the manufacturer was at fault. Devices are generally safe. Any possible safety standards need to be well considered. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | E-liquids are generally safe so this shouldn’t be excessive. |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  | High purity nicotine is used to create DIY e-liquid. It can also be used to granularly control the amount of nicotine in an e-liquid, which is an effective way of quitting nicotine. It shouldn’t be restricted. |
| Mixing of e-liquids at (or before) point of sale |  |  | As long as the mixer is well trained, attentive and uses measuring instruments. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| N/A |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 2 years | N/A | N/A | N/A |

# Consultation submission 23

Naked Vapour LTD

Withheld at submitter’s request

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 24

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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If your submission contains commercially sensitive information, please tick this box:

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|  |
| --- |
| No, I have no direct or indirect links to the tobacco industry |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As this is 95% healther for a person to do as apposed to smoking, it is a proven way to stop smoking around 90-95% with a high percentage around 86% plus of people remaining smoke free after 5 years. This in itself must have a considerable cost savings to the health system allowing them to redirect that funding to other area’s social of need. I myself have been smoke free for 12 weeks with the use of and e-cigarette and no desire to smoke , after trying most other methods including the gum, patchers, tablets etc… which didn’t seem to help with the craving for a smoke. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I also feel that it would be prudent to allow a parent/gaurdian to purchase and e-cigarette and liquid for a child in there care to aid the child in giving up smoking. But only the parent/guardian should be able to purchase the products. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As this repesents “NO” major health risks then a responable approch is all that would be require , unless there were advertising directed to/at children. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As there is no harmful by product from the vape of an e-cigarettes, them why would there be a need for such controls. But there can be an issue with the volume of vape from certain e-cigarettes then there maybe be a case for individual vape free area’s as I understand many bars and such apply already. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Why would you want to make a product that aids in the stopping of smoking and all its associated costs more unafordable to those in a lower social econmonic situation. It seems very strange to me that you would want to disencourage people from giving up smoking and from doing something that is 95% better for them and those around them. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| As a person that has smoked for over 32 years, to find a real device that has stopped my smoking habit with no real effort or side affects. I feel very strongly that these devices should be maybe readly available to the public as importing liquid nicotine to aid the transition away from smoking is a time comsuming troublesome costly exercise far easier to keep smoking unless your really deturmined to quit. Which seams to work against the policy of a smoke free New Zealand by 2025. Considering the research done in Cananda which has proven the effectness of the e-cigarette in the battle against smoking. Why would we spend so much money on stopping people smoking and then not allow a product that works so effectively on to the market for all to have access to. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| no |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| no |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 12 weeks | Every day | 25 dollars approx |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 25

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

☒ as an individual or individuals (not on behalf of an organisation)?

☐ on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

☐ Commercial interests, including e-cigarette manufacturer, importer, distributor and/or retailer

☐ Tobacco control non-government organisation

☐ Academic/research

☐ Cessation support service provider

☐ Health professional

☐ Māori provider

☐ Pacific provider

☐ Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e-cigarette use status:

☒ I am using nicotine e-cigarettes.

☐ I am using nicotine-free e-cigarettes.

☐ I currently smoke as well as use e-cigarettes.

☐ I am not an e-cigarette user.

☐ I have tried e-cigarettes.

### Privacy

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☐ Do not publish this submission.

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|  |
| --- |
| I have no vested interests in the tobacco industry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes ☒ No ☐

Reasons/additional comments:

|  |
| --- |
| For two reasons, to give people the ability to switch from tobacco cigarettes and also as a recreational hobby (same as having a few at the pub) |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes ☐ No ☒

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e-cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes ☒ No ☐

Reasons/additional comments:

|  |
| --- |
| I believe that e-cigarettes and nicotine containing e liquid should be legislated as a consumer product 18+ in the same way that alcohol is legislated NOT the same as tobacco products as it is NOT a tobacco product. |

#### Q4 Do you think it is important for legislation to control advertising of e-cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes ☒ No ☐

Reasons/additional comments:

|  |
| --- |
| As stated in Q3, I believe that e-cigarettes and nicotine containing eliquid should be a consumer product 18+and legislated in the same manner as alcohol, and NOT as a tobacco product. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes ☒ No ☐

Reasons/additional comments:

|  |
| --- |
| I think electronic cigarettes should not be legislated the same as tobacco cigarettes, as stated above. I do not believe that it should be included in any SmokeFree legislation or bylaw. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e-cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings | ☐ | ☒ |  |
| Prohibition on displaying products in sales outlets | ☐ | ☒ |  |
| Restriction on use of vending machines | ☒ | ☐ | Vending machines do not have the same checks that a phisical vendor/supplier provides |
| Requirement to provide annual returns on sales data | ☒ | ☐ |  |
| Requirement to disclose product content and composition | ☒ | ☐ |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | ☒ | ☐ | To make sure that things like essential oils or other substances that are harmful are not used. |
| Requirement for annual testing of product composition | ☒ | ☐ |  |
| Prohibition on free distribution and awards associated with sales | ☐ | ☒ | Free samples can be at times benificial to consumers |
| Prohibition on discounting | ☐ | ☒ | People on low incomes trying to stop smoking could benefit from occasional discounts. |
| Prohibition on advertising and sponsorship | ☐ | ☒ | Advertising would help people find a way to use these products |
| Requirement for standardised packaging | ☒ | ☐ | Standadised packaging yes but only for safety reasons. |
| Other | ☐ | ☒ |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes ☐ No ☒

Reasons/additional comments:

|  |
| --- |
| Use of these products does not cause the same harm to health as does combustible tobacco and the nicotine contained in e-liquid is no more harmful to anyone than caffeine in coffee. Taxing it the same as tobacco will make it less available and affordable to those who should be encouraged to switch to vaping from combustible tobacco and therefore be affordable to people on low incomes. |

#### Q8 Do you think quality control of and safety standards for e-cigarettes are needed?

Yes ☒ No ☐

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | ☒ | ☐ |  |
| Safe disposal of e-cigarette devices and liquids | ☒ | ☐ |  |
| Ability of device to prevent accidents | ☐ | ☒ | For novice users a regulated device with safety features is a good idea but when users develop knowledge and experience they should be given the option to use un regulated devices. |
| Good manufacturing practice | ☒ | ☐ |  |
| Purity and grade of nicotine | ☒ | ☐ |  |
| Registration of products |  | ☒ | . |
| A testing regime to confirm product safety and contents purity | ☒ | ☐ | Manufacturers should be required to keep copies of SDS and data sheets on ingredients they use to produce eliquid to be sure it conforms to industry standard (USP/BP grade nicotine diluent, Glycerol, Propylene Glycol and food grade flavourings) |
| Maximum allowable volume of e-liquid in retail sales | ☐ | ☒ |  |
| Maximum concentration of nicotine e-liquid | ☐ | ☒ |  |
| Mixing of e-liquids at (or before) point of sale | ☒ | ☐ |  |
| Other | ☐ | ☒ |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I would like to continue to be able to import nicotine e liquid for my own use from overseas as the market in New Zealand is not developed enough yet to be able to purchase some items that I enjoy using. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e-cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e-cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 1 year 6 months | Everyday | $20 | Various local vendors then I add my own nicotine or I buy nicotine e liquid from USA vendors. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 26

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: | n/a |
| Position *(if applicable)*: | n/a |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| I have no tobacco industry links or vested interests.  [Redacted] |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The rationale for government regulation of tobacco products rests on two related grounds.  First, tobacco consumers don’t face the full cost of their behaviour – they impose costs on the public health system, and on other people around them through the health risks and general unpleasantness of passive smoking.  Second, nicotine’s powerfully addictive nature undermines the notion that consumers are exercising informed free choice. This is especially true for those who became addicted when young, or before the health evidence was as clear as it is today.  Neither of these reasons for regulation justify the prohibition of nicotine e‑cigarettes.  On available evidence, the health risks of e-cigarette use are a tiny fraction of the risks from other forms of tobacco/nicotine consumption. E‑cigarettes involve far lower costs and risks for the public health system, and for consumers’ families, communities and employers.  Because nicotine is so powerfully addictive, it is perverse for government to restrict people’s opportunity to choose a far less dangerous form of nicotine consumption than inhaling the combustion products of burning tobacco leaves.  The Treasury’s 2012 regulatory impact statement for tobacco excise increases stated (p10):  *In taxing a group of consumers that are addicted and disproportionately drawn from Maori and lower socioeconomic communities, the Government should ensure that programmes to educate and support smokers to make successful quit attempts are adequately resourced, well implemented, and effectively designed and targeted to reach high-risk groups.*  This same argument applies to the availability of nicotine e-cigarettes. Although still addictive, they are a far safer form of consumption without the health risks and externalities associated with the inhalation of burning tobacco smoke. While imposing a highly regressive tax that disproportionately affects the poor and Māori, the has a moral obligation to allow addicted smokers access to safer and cheaper alternatives.    I am sceptical about what the Ministry may mean by “with appropriate controls”. I would consider controls to be appropriate only where they are proportional to the evidence-based risk of harm caused by nicotine e‑cigarette use (including the risk of young people becoming addicted and moving on to become smokers). Regulation based on some view of the “moral equivalence” of e‑cigarette use to smoking, or on distaste for the some companies involved in nicotine e‑cigarette supply should be avoided. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| A common set of principles should apply to any nicotine delivery product – with a policy objective of harm minimisation and of achieving the *smoke*-free goal. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Yes, to the extent that there is evidence that nicotine e‑cigarettes are a pathway to (a) nicotine addiction and/or (b) to smoking (ie smoking the smokey stuff, not the steamy stuff) |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| No – the main point here is to encourage smokers to switch to a safer mode of nicotine consumption. Regulating advertising of this safer product in the same way as we regulate the far more dangerous tobacco cigarettes would be perverse. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| No – I know of no evidence that there are health risks from passive inhalation of vapour from e‑cigarettes. There appears to be no more reason to regulate where people “vape” than to regulate where they chew gum or eat smelly cheese. E-cigarettes are smoke-free, so prohibiting them in smokefree areas would be daft. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Only if there is evidence that vaping has serious health risks. |
| Prohibition on displaying products in sales outlets |  |  | The whole point is to encourage people to switch – why would we want to hide them? |
| Restriction on use of vending machines |  |  | Only if there is some evidence of a serious health risk to consumers buying without face-to-face advice. Some controls on vending machines may also be required to enforce age restrictions. |
| Requirement to provide annual returns on sales data |  |  | We need good data on consumption patterns to understand the public health impact of this policy change and these products. The compliance burden on suppliers is trivial, especially compared to the current prohibition. |
| Requirement to disclose product content and composition |  |  | Yes, but only for purposes of informed consumers and public safety. Not as a compliance burden for the sake of imposing costs on an industry some disapprove of on moral grounds. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Yes to the extent necessary to protect public health. |
| Requirement for annual testing of product composition |  |  | Only for purposes of informed consumers and public safety. Not as a compliance burden for the sake of imposing costs on an industry some disapprove of on moral grounds. |
| Prohibition on free distribution and awards associated with sales |  |  | If necessary to focus the market on encouraging smokers to switch, rather than on getting non-smokers addicted to nicotine products. |
| Prohibition on discounting |  |  | That makes no sense without a regulated price: discounting from what? |
| Prohibition on advertising and sponsorship |  |  | No – the point is to encourage smokers to switch. Why prevent suppliers from promoting this? |
| Requirement for standardised packaging |  |  | Nicotine e-cigarettes are not another form of *smoke* tobacco – we shouldn’t build our regulatory framework for them using smoking tobacco as the starting point. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| No.  Two reasons for a targeted excise tax (and equivalent import duties) are to:   * Generate revenue to cover the cost to government of the harms caused by a product (health costs for tobacco, environmental costs and congestion for fuels, health and justice system costs for alcohol) * Discourage consumption by increasing the relative price of the product compared to substitutes.   Neither of these reasons applies to nicotine e-cigarettes.   * There is no demonstrated material cost to government or society from nicotine e‑cigarette consumption. On the contrary, there are significant potential savings from getting tobacco smokers to switch. * Government should not want to increase the relative price of e-cigarettes or encourage e-cigarette users to switch to substitutes. It should want precisely the opposite.   Nicotine e‑cigarettes should be regulated (and taxed) like other products that have health risks if consumed inappropriately. But there is no clear policy rationale for applying an excise tax. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Regulation should be proportionate to the health and safety risks.  Regulation should not be imposed as a compliance cost to punish or express disapproval of an industry or of particular companies for their other activites (eg: in selling tobacco cigarettes) |
| Safe disposal of e‑cigarette devices and liquids |  |  |
| Ability of device to prevent accidents |  |  |
| Good manufacturing practice |  |  |
| Purity and grade of nicotine |  |  |
| Registration of products |  |  |
| A testing regime to confirm product safety and contents purity |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |
| Maximum concentration of nicotine e-liquid |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |
| Other |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 27

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: | [Redacted] |
| Position *(if applicable)*: | [Redacted] |

*(Tick one box only in this section)*

Are you submitting this:

X as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

X Other sector(s) *(please specify)*: Own interest and Mental Health

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

X I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes X No

Reasons/additional comments:

|  |
| --- |
| Significantly less harmful than tobacco – reduction in smoking-related illness and associated health cost burden would be guaranteed  It would reduce cost of consuming nicotine to low income families, especially parents of vulnerable children  Freedom of choice  Likely to significantly reduce national tobacco consumption  E-cigarettes are likely the most effective quit-smoking aid, surpassing pharmaceutical aids in efficacy |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Have not encountered any that appear effective in tobacco consumption cessation |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes X No

Reasons/additional comments:

|  |
| --- |
| The use of nicotine is a choice requiring a mature and informed decision-making process  While nicotine is on par with caffeine in its effects and risks, minors will need to be shielded from making poor choices about product consumption |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Vaping likely presents none of the short, medium, and long-term negative health impacts that smoked tobacco does  Some research is indicating it is also less addictive than smoking tobacco – it certainly feels less addictive to myself and most vapers I talk to  Ecigarettes need to be lauded as an alternative method to quitting smoking tobacco |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| I think public education is more important.  I choose not to vape in designated smokefree areas, but my reason is misunderstanding and lack of knowledge in others as many people assume vaping is the same as smoking tobacco.  Research at this point indicates there are no second-hand vaping contamination risks to others, including vaping nicotine e-liquid  Vapers do need to be considerate and respect the personal space and opinion of others around them |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | X | Unsure what health risk could be found to warn about except nicotine addiction |
| Prohibition on displaying products in sales outlets |  | X | Smokers need to be encouraged rather than discouraged to switch to vaping. Treating vaping the same as smoking tobacco will serve to perpetuate public ignorance and misinformation about vaping facts |
| Restriction on use of vending machines | X |  | Risk of sales to minors |
| Requirement to provide annual returns on sales data | X |  | We need all the data we can get if vaping proves to be as effective as it appears it may be in assisting people to stop smoking tobacco |
| Requirement to disclose product content and composition | X |  | Good practice, protect consumers |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  | With caution. Eliquid should contain the strength of nicotine the packaging claims.  Certain ingredients are less suitable for vaping than others, especially some flavouring additives. |
| Requirement for annual testing of product composition |  | X | Prohibitive costs could stifle small business operators. Random quality control testing in conjunction with minimum standards legislation may achieve the same. |
| Prohibition on free distribution and awards associated with sales |  | X | Provided it is not supplied to minors |
| Prohibition on discounting |  | X | No reason to |
| Prohibition on advertising and sponsorship |  | X | With caution, may require regulation in future |
| Requirement for standardised packaging |  | X | We do require standardised labelling |
| Other | X |  | The public needs to understand the exact benefits and potential risks of vaping compared to smoking cigarettes. The press tends to sensationalise and misrepresent study results, often misinforming the public about exaggerated risks of vaping |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No X

Reasons/additional comments:

|  |
| --- |
| Vaping research has evidenced the overwhelming benefits to health as an alternative to smoking cigarettes. Imposing a similar prohibitive tax on a healthier alternative will signify that tax is more important to our government than public health.  It is important that NO excise duty is imposed on nicotine containing e-cigarettes, but instead a subsidy could be considered due to the health benefits and reduced cost to our health system  Income tax and GST would still apply to traders and consumers of ecigarettes |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes X No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | X |  |  |
| Safe disposal of e‑cigarette devices and liquids | X |  |  |
| Ability of device to prevent accidents | X |  | Current risks appear similar to mobile phones, but consumers do need some protection against unscrupulous manufacturers. However, this does not appear to be a current issue despite the lack of guidelines and regulation around vaping devices |
| Good manufacturing practice | X |  |  |
| Purity and grade of nicotine | X |  |  |
| Registration of products |  | X | Provided basic safety guidelines are adhered to this should not be required. Over-regulation will drive prices up and stifle innovation |
| A testing regime to confirm product safety and contents purity | X |  | With caution, as standards need to be realistic and not undermine reasonable development of new products |
| Maximum allowable volume of e-liquid in retail sales |  | X |  |
| Maximum concentration of nicotine e-liquid |  | X | The mixing of one’s own liquid using concentrates is an important and creative sub-sector of vaping. Limits on product labelled ‘ready-to-vape’ need to be set, but the market appears to have set this by supply and demand anyway. |
| Mixing of e-liquids at (or before) point of sale |  | X | Many boutique outlets need to do this in order to remain in business. Many consumers enjoy mixing their own, partly to ensure knowledge of ingredients |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I began vaping in February this year, and have not smoked cigarettes since then. Prior to starting to vape, I smoked around 20 cigarettes daily for 26 years. I have recruited at least 10 other smokers who are now vaping instead and reporting the same health benefits as I outline below.  I have tried giving up at least 9 times, using nicotine gum, lozenges, smokeless inhalant cartridges, patches, Zyban, and Champix (twice). Each time was difficult, stressful and led to relapse within three months. Vaping has been an alternative to smoking that has appeared to improve my health, fitness, and immunity to colds and flu. My lung function and capacity began to improve the day after I started vaping. I like vaping better than I ever liked smoking, and I find it easier to not vape than not smoke – e.g., sometimes if I have the time I choose not to vape between appointments, but when smoking I would always choose to have one if I could. I believe there is also research out there that posits that there are at least two other substances in cigarette smoke generated as a result of combustion that may be more addictive than nicotine.  Nicotine by itself in low to moderate doses is not harmful, and in fact some studies show it appears to improve cognitive functioning, attention, as well as regulate mood. Smoking rates in ADHD and mood-disorder populations is highly elevated, and I would love for that demographic to retain the felt benefits nicotine appears to have on their functioning without the serious impact on their health from smoking tobacco. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| Range of non-nicotine products is average, but appears to be growing exponentially  I purchase my own concentrated nicotine eliquid in the USA and then mix with PG, VG, and some concentrate flavours bought locally  The NZ market is volatile, and some vendors are charging up to three times the price of others for identical products, abusing the lack of knowledge and availability of ecigarettes, in part due to current prohibitive legislation |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| If nicotine-containing e-cigarettes were cheap and locally available, many of the low SES families I work with would be significantly better off financially, leading to reduced stress for parents of (sometimes) vulnerable children. For some parents on my caseload, not having to pay the prohibitive tax on tobacco would nearly double their available weekly food budget, for instance.  These are typically families in crisis and distress, and their immunity to viruses, bacteria, and disease is often compromised as a result. I believe vaping instead of smoking would help boost their resilience without the stress of quitting cigarettes with more conventional aids. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| Six months | Daily | $50 | USA and NZ |

# Consultation submission 28

Submitter asked that submission not be published

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 29

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Personal use

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I was a smoker for 26 years, tried one puff of an e-cig 4 years ago and have never touched tobacco since. Whilst the long term health effects of nicotine vaping are unclear the general professional consensus and the actual short to mid-term positive effects are undeniable. I have converted over 30 long term smokers to e-cigs and we all feel infinitely better on them compared to normal cigarettes and our doctors see the results and are in agreement. My major hurdle to converting more people is the cost and hassle of having to import Nicotine from overseas. To me this is a no brainer – please allow the sale of nicotine e-juice within NZ, the bottom line is it WILL HELP SAVE LIVES. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Whilst e-cigs are vastly more preferable to normal cigarettes for health reasons, under 18’s should still be dissuaded from inhaling anything into their lungs. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| This is a tricky one. I believe that the vast majority of vaping comes from word of mouth, most smokers and ex-smokers are aware of the benefits of e-cigs. My opinion on this one would be to allow advertising but subtle, infrequent advertising. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Another tricky one. I guess until the long term effects and passive effects have been proven then there is a minute risk. However what you will find is that vapers just vape in public places anyway – subtly – or go to the loo etc to do it ☺ So it’s not a biggie. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | There is no proof that vaping is bad for your health so what would the graphic warnings be based on. There should just be a normal warning stating Long Term Effects unknown, your own risk. |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | I for one would like to see regulations imposed for this to ensure that locally made e-juice is being produced properly! |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Tobacco is a PROVEN major health risk, Nicotine e-cigs are an unproven long term health risk (using your mobile phone with radio waves bouncing around your head is a long term unproven health risk!) |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Nicotine is harmful in large doses and harmful to young children, so this is a no brainer |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  | The maximum I have ever seen anybody vape is 36mg of nicotine, even very heavy smokers would be hard pushed to vape higher than this, so this could be set as the limit to avoid anybody accidentally handling high concentration liquids. |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| The most important points are allow the sale of Nicotine e-juice within NZ and enforce regulations on quality control. Advertising etc is secondary. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 years | daily | $5 | Hardware locally in NZ, nicotine ejuice from the US |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 30

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
| *(town/city)* | [Redacted] |
| Email: | [Redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| No links or vested interest to the tobacco industry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The key will be what would be deemed “appropriate controls” |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I don’t know. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I would link the under 18 requirement to the legal drinking age as well. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| More testing is required, but some tests have shown that nicotine is no more harmful than caffeine and we don’t control coffee advertising. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Most studies seem to indicate that vaping is not harmful to other people. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | No specific health risks have been proven. |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  | No strong feeling. |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | As long as ingredients are disclosed, regulation should not be required. |
| Requirement for annual testing of product composition |  |  | As long as the product testing is not cost prohibitive. |
| Prohibition on free distribution and awards associated with sales |  |  | No strong feeling. |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  | I can’t see any reason for standardised packaging. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  | No strong feeling. |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  | Larger volumes of e-liquid are sold at a lower price than smaller volumes. It would be a lot more expensive to vape if I could only buy small volumes. |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  | I mix my own e-liquids to make vaping more economic. Requiring pre-mixing at or before point of sale would reduce my options. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I have been using electronic cigarettes for a long time (more than 6 years). I ordered my first electronic cigarette from china from a very obscure site with great difficulty. Over this time the devices and liquids available have developed at great speed and for the better. Devices and e-liquid have become much more user friendly and safer. One of the reasons why I believe vaping is growing is because of the level of innovation allowed by the relatively low regulation in the industry. Although it has its risks, vapers have forced suppliers to respond when safety hazards were identified through world-wide studies.  My fear is that the cost of vaping compared to smoking will go up if the rules/guidelines/government involvement get stricter and that the time between new innovation and availability to market will be significantly longer. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| * 6 years | At least 16 times a day | About $20 | Online or local supplier |