# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 31

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| --- | --- |
| 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)*: |  |

*My computer would not ‘allow’ me to tick in the boxes, so have used* **√**

*(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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|  |
| --- |
| 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 think it’s totally short-sighted not to. If the Royal College of Surgeons of the UK strongly promotes the products as aids to smoking cessation, why is NZ not moving on this? I personally know three people in NZ who no longer use tobacco because of e-cigs and nicotine liquid, which of course, they have to import from overseas. |

#### 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:

|  |
| --- |
| Don’t know 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:

|  |
| --- |
| Am unsure of this one. “Kids” under 18 will get hold of them - better e-cigs than tobacco. Because of the hugely less damage to the body than tobacco, I’d rather see the age be maybe 15. Fat chance methinks!! |

#### 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:

|  |
| --- |
| Using e-cigs, as far as I can ascertain through lots of reading, does not impact on others as tobacco smoke does. |

#### 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:

|  |
| --- |
| To cover any government costs for regulation - but nowhere near as high as on tobacco, because of the far lower health effects of e-cigs and liquids. |

#### 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 | **√** |  | Definitely! |
| 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 | **√** |  | But unmixed to be available also. |
| Other |  |  |  |

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

|  |
| --- |
| I really appreciate this opportunity to comment. I was soooo happy when I saw on the TV News that submissions on the subject would be able to be made. I strongly support the availability in NZ of e-cigs and more importantly, of nicotine liquid. Smoking is more than ‘just’ addictive. It is as enjoyable as having ‘a quiet drink’. I think e-cigs are the way of the future - and for some of us, of the present!  I’d like to add that there are many benefits to using e-cigs besides that they have hugely fewer effects on the body than inhaling tobacco with all its toxins and tar, and have helped an enormous number of people get off tobacco.  I most sincerely hope that those involved in the decision-making on this issue have seen the highly positive report on e-cigs by the Royal College of Physicians in the UK. They strongly recommend easier access to e-cigs and nicotine juice.  <http://www.bbc.com/news/health-36139618>  Some of the benefits of using e-cigs......  No smelly smoke, in the atmosphere, on furniture, in vapers’ hair and clothes and breath, nor in the hair and clothes of those close by a tobacco smoker.  This is also the case for friends I know who have the OK to use their e-cigs in the work-place. As well, they don’t have the need to ‘nick out for a fag’ however many times of the day -> higher productivity!!  No messy and smelly butts and no ash. I fully acknowledge that cigarette butts are an ugly eye-sore when thrown anywhere - gutters, beaches, etc. Haven’t done that for about 30 years - have too much respect for Mother Earth and my fellow humans!  No passive smoking problems. This is really important in homes and cars, and would be so also in bars and restaurants were e-cigs permitted in those establishments.  For the above reasons, it’s my experience that e-cigs are 99% acceptable to use in the presence of non-smokers. Even so, I always ask if it’s OK to use my e-cig.  No possibility of e-cigs causing house fires, as fairly regularly happens when a tobacco smoker falls asleep while smoking. Also no possibility of a carelessly (stupidly!) discarded cigarette butt causing grass or bush fires which of course can do tremendous damage to nature, homes and livestock.  It’s far safer to use an e-cig while driving - no distraction while getting a cigarette out of the packet and lighting it, putting the ash in the ashtray, stubbing a cigarette out in the ashtray. Even ‘chucking’ a butt out the window causes distraction. All of these are non-issues with e-cigs.  All in all, I most strongly think the same as what the lady in the third video clip in the above link says, that switching to e-cigs is a no-brainer. To lead on from that, it’s my strongly held opinion that allowing the sale of e-cigs and nicotine juice in NZ is also a no-brainer - with respect! |

### 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’ve heard that it’s possible to buy nicotine liquid in NZ now - currently illegal of course. I buy from overseas. |

#### 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 | Every day | Probably only about $2 on nicotine juice | China |

Consultation submission 32

Submitter asked that submission not be published

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 33

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

Māori provider

Pacific provider

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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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# 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:

|  |
| --- |
| Currently, the most cost effective way for me to get nicotine-containing liquid is to import a large bottle of high strength nicotine liquid from the US, and dilute it by myself. This means that I have to be organised and pay a larger amount up front. If I was not in a position to be able to do this, it would probably mean I would decide smoking cigarettes was easier as they are available everywhere. |

#### 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:

|  |
| --- |
| To my knowledge, there are not any other devices or 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:

|  |
| --- |
| I think e-cigarettes should be primarily regarded as devices for harm reduction for those who are already addicted to nicotine from smoking. Also nicotine is a poison and should be kept away from children and young people who may not be appropriately cautious in handling 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:

|  |
| --- |
| Yes but within reason, ie. there are circumstances in which people may not know about e-cigarettes as a quitting device, and advertising may raise awareness. But it should be targeted at people who are addicted to smoking and want to stop smoking cigarettes rather than the general public. |

#### 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:

|  |
| --- |
| Yes – if it is seen as not really socially acceptable, or has the same acceptability as smoking, then people who do not really need these devices may be deterred from taking them up. Current smokers would be in the same position as they are already used to with cigarettes and would still use them through need. |

#### 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 |  |  | Once any serious adverse health effects are established, if they exist, then yes. |
| Prohibition on displaying products in sales outlets |  |  | Displaying products should be ok if it is not done with flashy advertising and displays. |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  | This could be useful for future research |
| Requirement to disclose product content and composition |  |  | As this is a product which may cause harm, yes this is very important so people can make choices eg about the use of chemicals such as diacetyl. Also nicotine level labelling must be mandatory. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Substances which are found to cause harm upon inhalation should be minimised in flavourings. |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  | Discounting on devices is currently done by retailers and I am yet to see any harm from this, but it may disadvantage consumers if large tobacco becomes more involved in e-cigarettes. |
| 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:

|  |
| --- |
| Not unless it is scientifically demonstrated to cause some measurable degree of harm to health when used as directed. |

#### 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?

|  |
| --- |
| I have been smokefree for 4 years, after 15 years of smoking a pack a day, thanks to e-cigarettes. They were the only option that successfully allowed me to completely stop tobacco cigarettes. I would like to stop using e-cigarettes eventually, but the longer I use them, the more repulsed I am by the thought of going back to cigarettes. Earlier in my use of e-cigarettes, I would have switched back to tobacco if e-cigarettes had become unobtainable for me, but now I would rather come off nicotine than go back to awful tobacco cigarettes. So I am thankful that I have been able to access them relatively easily thus far. |

### 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 purchase e-cigarette components separately to allow greater customisation (batteries, atomizer coils, tanks), and flavour concentrates and vegetable glycerine/propylene glycol to mix my own e-liquid from vapo.co.nz and nakedvapour.co.nz - I feel these are good representative sites that show the range of products available for purchase in NZ. |

#### 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?** |
| 4 years | daily | approx $10 | NZ-based online stores |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 34

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [Redacted] |
| Address: *(street/box number)* | [Redacted] |
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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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#### 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 have been using nicotine based e-cigarettes for approx. 4 months , in this time, I have only bought 1 packet of tobacco cigarettes HOWEVER, this is because I cannot legally buy nicotine based liquid, so in order for me to be able to get the liquid, I needed to purchase an entire kit from the supplier, the kit comes with the e-cig unit, some nicotine liquid sample pack, and a few extras, I didn’t need to get anything except the liquid but because of New Zealand law, they could not legally just sell me the liquid. I had to get the entire kit with the sample pack.  This is not convenient as I need to have approx. $100 upfront, to order the kit, and get extra stuff I don’t need nor want, but because they can’t SELL me the liquid I have to buy an entire kit. |

#### 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:

|  |
| --- |
| Nothing I can personally think 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:

|  |
| --- |
| Applying the same age restrictions will give those the choice. I have personally found 2 people who were smokers, and since I had let them have a couple of puffs on my e-cigg, I have converted them, they love it. After using it for a few days you can see and smell just how horrible a conventional smoke is, with E-ciggerettes the only thing others can smell is the sweetness of the flavour used. My partner is a non smoking chronic asthmatic, if I was having a normal cigarette, she wouldn’t want to come near me, but with my e-cigarette, it’s changed my life.  I know for a fact standard cigarettes contributed to my last relationship failing, but the e-ciggerette, So far I’ve found nothing wrong with it. I treat is like I would a normal one, I follow all smokefree rules on busses, in malls, etc. |

#### 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 started smoking because of peer pressure and to fit in and look cool, it’s not cool, it’s dumb.  Ok, so e-cigarettes are not as bad chemical wise, however they are not a fashion statement and shouldn’t be treated as one. They are still as addictive as normal smoking, just we are now enjoying the benefits of not having any nasty second hand smoke around us. |

#### 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 needs to be controlled. Some people more so the older generation may not know what vaping is, so if they see someone who is vaping in a smokefree area, they can get quite upset, also for things like travel and tourism, this sends mixed signals if vaping is allowed but smoking is not, especially if they have never seen or used a vaporiser before |

#### 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) |  |  | This is important because too much nicotine liquid can be very harmful, flavors not so much |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  | ONLY allowed to be given out free by GP’s, or through script via Quitline |
| Prohibition on discounting |  |  | They can be discounted, Why should shops be making so much profit out of this, as it is, smokers who think they can quit anytime but are just trying to find a way out, who is to say that this isn’t the answer. Cheaper than a pack of cigarettes, they will help people quit smoking and either vape, or get of the nicotine completely |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  | If all packaging for a vape unit was the same, I’d have no idea what I’d be buying, compared to other units, I’ve bought smaller units only to find they don’t fill my requirements, so I had to spend more money and go for a larger unit |
| 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:

|  |
| --- |
| As I have already stated, smokers will do what an alcoholic does, that is sacrifice something to get what they need.  I used to go without food for a 1 or 2 days at a time (I get paid fortnightly so 1-2 days didn’t matter) but I’d sacrifice 2 days food, to get a 50g of tobacco to last me till my next pay. |

#### 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 |  |  |  |
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| 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)?

|  |
| --- |
| I can only give the information that I know about |

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

|  |
| --- |
| I don’t have a business but it would allow me to freely purchase the nicotine liquid I need, save more money, be healthier and it would be a way to make sure I do stay off the cigarettes |

#### 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?** |
| Approx 4 months or longer | Everyday | Week? It’s hard to say, due to current law, I have to stock up and get 3 months supply of liquid, so approx. 130$ every 2 or 3 months | Internet, I only buy from one specific website that I was shown, I now trust and thanks to them, am now smokefree |

Consultation submission 35

Submitter asked that submission not be published

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 36

|  |  |
| --- | --- |
| 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.

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|  |
| --- |
| No Links to any tobacco company 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:

|  |
| --- |
| 1. Is already readily available in the Central Auckland area. 2. I have easily changed from smoking tobacco to vaping (which is less harmfull to my health) 3. If it is illegal and unregulated the quality of the products coming into NZ may be harmful to users. 4. I am a beneficiary and would spend less money on food and health if I was unable to vape and had to buy tobacco instead. |

#### 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 Y, No ☐

Reasons/additional comments:

|  |
| --- |
| There are a number of similar vaping products. Just do a Google search. |

#### 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:

|  |
| --- |
| More research needs to be done. I don’t think that Vaping is a gateway drug to smoking as it was so easy for me to switch because I got the same nicotine hit from vaping as I did from tobacco. So there is no incentive to smoke as it is expensive, does nothing extra, and is bad for your health. As a Father I would like it to have a R18 restriction as I would not like my kids to even start. Having said that my son smokes marijuana from time to time so one has to be realistic and I would rather my adult son had the choice to vape rather smoke. |

#### 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 Y No ☐

Reasons/additional comments:

|  |
| --- |
| 1. I have encouraged other smokers to switch to vaping and some smokers don’t even know about it. It would be good for them to be made aware of alternatives to smoking. Although I think that this could be done through word of mouth, government funded cessation programs, rather than through advertising of a product which is potentially harmful. |

#### 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:

|  |
| --- |
| More research needed. If no harmful effects to others are found then you should be able to vape in smoke free areas. Conversely, The same rule should apply if found to be harmful. In the meantime should be the same as smoking, just to be on the safe side. |

#### 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 | ☐ | N | Boy who cried wolf. |
| Prohibition on displaying products in sales outlets | ☐ | ☐ | Only in regard to R18 |
| Restriction on use of vending machines | Y | ☐ | Hard to police |
| Requirement to provide annual returns on sales data | ☐ | ☐ |  |
| Requirement to disclose product content and composition | Y | ☐ | So that I can know what I’m inhaling and self research potential risks. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | ☐ | N | You should not regulate before there is a problem. Best to just talk to suppliers. |
| Requirement for annual testing of product composition | Y | ☐ | This is a global event so keep in contact with, and share info with your pairs overseas on suppliers. |
| Prohibition on free distribution and awards associated with sales | ☐ | ☐ |  |
| Prohibition on discounting | ☐ | N | Just silly |
| Prohibition on advertising and sponsorship | Y | ☐ | Yes, but should not include “in shop” and their Website. |
| Requirement for standardised packaging | ☐ | N | If you take a militant approach you will just end up pissing people off and no one will take you seriously. |
| 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 N

Reasons/additional comments:

|  |
| --- |
|  |

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

Yes Y No ☐

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | ☐ | ☐ | If poisonous |
| Safe disposal of e-cigarette devices and liquids | ☐ | N |  |
| Ability of device to prevent accidents | ☐ | N |  |
| Good manufacturing practice | Y | ☐ |  |
| Purity and grade of nicotine | ☐ | ☐ | if needed (need more info) |
| Registration of products | Y | ☐ |  |
| A testing regime to confirm product safety and contents purity | Y | ☐ |  |
| Maximum allowable volume of e-liquid in retail sales | ☐ | N |  |
| Maximum concentration of nicotine e-liquid | Y | ☐ | either 18 to 24mg |
| Mixing of e-liquids at (or before) point of sale | ☐ | ☐ | Mixing of approved e-liquids should be OK |
| Other | ☐ | ☐ |  |

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

|  |
| --- |
| I have tried chewing gum and patches in an attempt to stop without success. Changing from smoking to vaping was really easy and although not a perfect solution, much healthier than 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)?

|  |
| --- |
| I don’t want to shoot myself in the foot by telling you about the many places that are illegally?\* selling e-liquid and products as I don’t want the hassle of having to order online. Suffice to say they are quite common in the Auckland CBD from specialty stores to liquor outlets as well as nicknack stores.  \*One supplier made the point that they are not selling it as a cessation product, but rather as an alternative delivery system of nicotine. As such it would not come under the medical act? |

#### 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?** |
| Five months | Once every hour | $ 25 | From local shop. |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 37

|  |  |
| --- | --- |
| 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? **Please see Addendum, item #5 for community signatures in agreement and support to this submission**

*(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.

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

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|  |
| --- |
| **Not Applicable** |

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:

|  |
| --- |
| **“Appropriate Control” should follow the evaluation criteria of:**   1. **Harm Prevention (age restriction 18+ & child proof bottles for nicotine containing e-liquid;harm prevention – items should conform to current consumer protections as outlined in legislation;** 2. **Harm Reduction – even though electronic cigarettes are not an approved cessation device, they have been scientifically proven to be 95% safer than combustible tobacco and therefore, should not be treated as a tobacco product with the inherent excises and taxes that are included in tobacco products that are utilised to offset the costs of harm from said tobacco products;** 3. **Proportionality – utilising the criteria of harm vs. risk;** 4. **Ease of implementation – nicotine containing e liquid should be a consumer retail product for 18+, sold through registered (with MPI and/or MoH) sellers (such as VTANZ);** 5. **Cost effectiveness of enforcement – if only registered sellers and/or registered companies that manufacture premade nicotine eliquid – the cost of enforcement will be minimal if they comply with standards such as childproof bottles and descriptive labels with warnings.** |

#### 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:

|  |
| --- |
| **SNUS should also be made legal under the same consumer product 18+ guideline as nicotine e liquid as it is also a product that does not fit the “harms” of combustible tobacco and is an alternative to combustible tobacco that can reduce harm.** |

#### 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:

|  |
| --- |
| **No. Simply because I would rather a young person who would normally try a cigarette is at more risk of harm by choosing the combustible tobacco product than harm from an electronic cigarette, whether it contains nicotine or not. Most youth who do utilise e cigarettes do NOT utilise nicotine e liquid and those that do, use them in PLACE OF combustible tobacco cigarettes, in my experience.** |

#### 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:

|  |
| --- |
| **Advertising should be available to educate and inform current smokers of combustible tobacco of the alternative of ENDS.** |

#### 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:

|  |
| --- |
| **The use of ENDS with nicotine e liquid is not a public health issue in the way that combustible tobacco products are, and therefore should not be treated as the same, either via public restriction beyond being an 18+ product. Nor should there be excessive taxation (as there are no additional costs to the National Health System from their use, as is with combustible tobacco)**  **Also, there is no evidence that there is any harm anyone in contact or exposed to the exhalation from an electronic cigarette with nicotine e-liquid. (“second hand vapour”)**  **The references included in the document itself provide this evidence as proved by scientific method. (Public Health UK, Royal College of Physicians reports).** |

#### 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 |  | E liquid bottles should have labels that list ingredients and composition |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  | Pharma grade (USP/BP) diluents, nicotine and commercially available and certified food grade flavourings. |
| 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:

|  |
| --- |
| **Nicotine e-liquid is not a tobacco product.**  **Also, not all liquid nicotine diluent used in e-liquid is created through the process of tobacco extraction - some nicotine e-liquid is produced synthetically, in the same process as is the nicotine contained within the currently funded Nicotine Patches, Gum and Lozenges.**  **As well, the excise taxes and duties that are currently imposed on combustible tobacco products is there to help fund the National Health System to offset the harms from that product. Those harms are limited to combustible tobacco products.** |

#### 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 |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice | X |  | Pharma Grade ingredients where applicable, certified food grade flavourings |
| Purity and grade of nicotine | X |  | Pharma grade |
| Registration of products |  |  |  |
| 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?

|  |
| --- |
| **The “controls’ that I personally believe are required do not need to fall under SFEA. These**  **fall easily within the Food Safety ACT NZ same as supplements currently do in legislation.**  **In fact, should ENDS be included under SFEA, that would be a disservice to the purpose**  **that most people utilise ENDS, that is cessation of use of combustible tobacco products.**  **Inclusion in SFEA automatically tells me that the government is, in fact, looking to apply**  **tobacco and excise taxes to ENDS to gather revenue (possibly lost by the sheer amount of**  **people who have already switched to ENDS from combustible tobacco perhaps).**  **The science regarding the benefits and relative safety of ENDS compared to combustible**  **tobacco has been proven. It is not a tobacco product, nor should it be treated by the**  **government through legislation or taxation as a tobacco product.** |

### 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)?

|  |
| --- |
| **Do your own research, the information is readily available. Most people purchase their items online as the local retailers such as Shosha and Cosmic are rip offs.** |

#### 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?** |
| 7yrs | Daily | $25.00 | online |

**My setup is an open tank system so I do not replace the equipment (I rebuild my atomiser coils and charge the batteries externally). My $25.00 per week costing is for e-liquid and imported nicotine calculated from an annual cost (including diluent (VG), flavouring, imported nicotine diluent, coil materials, batteries as necessary, prebuilt coils) of $1300.00 per annum.**

**If I were to smoke combustible tobacco, my weekly spend would be $25/pk x 7 days x 52 weeks = $9100.00.**

**That is a cost savings of $7800 per year; $150 per week.**

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 38

|  |  |
| --- | --- |
| 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?

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Please indicate which sector(s) your submission represents:

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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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|  |
| --- |
|  |

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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:

|  |
| --- |
| I have been a smoker for twenty years and have not had a cigarette for over two months now due to vaping. The nicotine was purchased from overseas with a large amount of the purchase being freight ($80.00 purchase of which $50.00 was the freight charge). My boss kindly paid for this to help me stop 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:

|  |
| --- |
|  |

#### 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:

|  |
| --- |
| No because it is odourless and does not effect other people. Plus no residue is left ie: ash and butts. |

#### 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:

|  |
| --- |
|  |

#### 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?

|  |
| --- |
|  |

### 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 months | Less frequently now | $5.00 | Naked Vapour Papamoa |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 39

|  |  |
| --- | --- |
| 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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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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|  |
| --- |
|  |

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:

|  |
| --- |
| Cigarettes are available 24/7 from various NZ outlets. E-cigs/liquid are not. In the US (for example), almost any store that sells cigarettes has e-cigs/liquid available as well, so a ready choice can be made on the spot as to whether to imbibe via combustion or vapour. It is becoming obvious that consuming nicotine via vapour is much less harmful to the user as well as dealing effectively with any “second hand” smoke issues.  The primary job of the M of H should be harm reduction & by allowing consumers a readily available choice, the ministry will have stepped in line with other countries that recognise the benefits of allowing easier access to an alternative to the harmful consumption of tobacco by the worst possible method: Burning it. |

#### 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 have personally bought a pack of cigarettes in the (distant) past because nicotine gum was not available. Although the gum is nowhere nearly as effective in weening one off of tobacco burning -as vaping has proven for me, it is still absurd that no alternative is available to those who prefer to chew (or vape) instead of smoke. |

#### 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:

|  |
| --- |
| Of course. This is a 1st world standard. |

#### 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:

|  |
| --- |
| Of course. No vices should be allowed to be advertised. |

#### 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 already “Smoke-free”.  Perhaps halitosis-free & flatulence-free should be added to such prohibited 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 |  |  | Please site such studies proving such health damage. |
| Prohibition on displaying products in sales outlets |  |  | Vices need not be advertised. |
| Restriction on use of vending machines |  |  | Sell e-cigs/liquid only where cigarettes are sold. |
| Requirement to provide annual returns on sales data |  |  | Probably necessary to compare the reduction of smoking with the uptake of vaping. |
| Requirement to disclose product content and composition |  |  | + COUNTRY OF ORIGIN |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Max 24 mg as per overseas regulation.  Flavours must be non-toxic. |
| Requirement for annual testing of product composition |  |  | As long as it doesn’t drive the cost of the product sky high. |
| Prohibition on free distribution and awards associated with sales |  |  | If vaping reduces smoking rates, they should encourage it’s consumption by any means possible. |
| Prohibition on discounting |  |  | See above. |
| Prohibition on advertising and sponsorship |  |  | Vices need not be advertised. |
| Requirement for standardised packaging |  |  | If this means plain packaging -no.  That should only apply to harmful smoked tobacco. |
| 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 they DO NOT impose a special tax on this smoking cessation device/product, it will prove that public health improvement is the reason behind the legislation.  If they DO impose a tax it will signal that this is primarily a revenue generating manoeuvre designed to take economic advantage of those fortunate enough to have found an effective smoking cessation method. |

#### 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 |  |  | This ? has to be asked? |
| Safe disposal of e‑cigarette devices and liquids |  |  | You must be kidding. |
| Ability of device to prevent accidents |  |  | You mean like dropping a lit cigarette in your lap? Please clarify . |
| Good manufacturing practice |  |  | Adopt overseas practices. |
| Purity and grade of nicotine |  |  | No Melamine (baby formula scandal) please. |
| Registration of products |  |  | As long as it doesn’t drive the cost of the product sky high. Please clarify what this means & how it will improve public health safety. |
| A testing regime to confirm product safety and contents purity |  |  | See above 1st sentence. |
| Maximum allowable volume of e-liquid in retail sales |  |  | And the reason for this is?  Please clarify. |
| Maximum concentration of nicotine e-liquid |  |  | 24 mg Max as per overseas standards |
| Mixing of e-liquids at (or before) point of sale |  |  | Vape boutiques are an employment creator. |
| ASAP |  |  | NZ is late to the table. Please expedite this legislative change |

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

|  |
| --- |
| I personally tried to give up cigarettes numerous times using all products available except for hypnosis & tarot card reading. As of 28/07/12 I made the switch to e-cigs then a vaping (liquid) device. I have had -0- desire to smoke since then. I have talked to & read of innumerable other ex-smokers who have had the same experience. I have been around smokers &   1. Not had the desire to partake. 2. Not tried to shame them for smoking but instead have simply expounded on the advantages, better health and savings that I’ve enjoyed by switching to the non-combustion method of tobacco consumption.   If the M of H is serious about ridding (the majority) NZ of the smoking scourge, then this is an effective, low cost (for the M/H & consumer) method that is working worldwide. Right Now.  Please move forward with the times.  Thank you. |

### 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)?

|  |
| --- |
| Allow e-cig/liquid sales anywhere cigarette sales are allowed in order to encourage smokers to switch to a less harmful method of consumption. |

#### 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?** |
| 4 + yrs | Daily | < $5 | USA |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 40

|  |  |
| --- | --- |
| 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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|  |
| --- |
| 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**.

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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:

|  |
| --- |
| After being a smoker of over 45 years, I possibly would not be here to fill in this form if it wasn’t for discovering e-cigarettes . My health is not good, but it has stopped getting worse and has actually improved since stopping smoking. Previously I had tried every other known form of smoking cessation but had always reverted to smoking. Since using e-cigarettes I have not had a cigarette since. |

#### 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:

|  |
| --- |
| When we are discussing e-cigarettes, I define those as closed systems such as the cig alikes 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

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. |

#### 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 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

Reasons/additional comments:

|  |
| --- |
| Society has already demonised smokers, and the evidence shows that their second hand smoke is a health hazard. This 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. It is more akin then to people wearing strong perfume or other strange habits so it should be up to the business or organisation to decide if they wish it to be allowed. |

#### 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 when the same is put on coffee cups. |
| Prohibition on displaying products in sales outlets |  |  | No for the reasons given above. |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | 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) |  |  | 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 |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  | 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

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 to deter people from using them and   to pay towards healthcare costs, neither of which, research has shown, apply to vaping .  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  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | 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 |  |  | E-liquids are easy to dispose of safely. Batteries should be disposed of the same as cellphone batteries. |
| Ability of device to prevent accidents |  |  | Most devices already have lockout systems so no need for additional measures |
| Good manufacturing practice |  |  | 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 |  |  | The use of pharmaceutical grade nicotine, same as in nicotine patches, gum and lozenges |
| 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?

|  |
| --- |
| After 45 years of smoking, every other form of smoking cessation had failed. Champix in particular, affected my thoughts so I quickly stopped using it. I feel like vaping has saved my life, or at the very least, added years to it. I do not feel addicted to nicotine any longer and frequently vape nicotine free. (As I also occasionally have decaf coffee) The act of vaping fulfils the social habit that I had with cigarettes. Vaping is NOT smoking and the only thing in common with smoking is the nicotine that in vaping, does not necessarily have to be derived from 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)?

|  |
| --- |
|  |

#### 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 | Every day | $20 | NZ and overseas |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 41

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

*(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?

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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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|  |
| --- |
| None |

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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:

|  |
| --- |
| EcigarettesshouldbemadeaswidelyavailableaspossibletomaximisetheirroleinharmreductionforcurrentsmokersControlsshouldbekepttoaminimumandonlyappliedwhereabsolutelynecessaryforthesafetyofusersIngeneralecigarettesandnicotineliquidsshouldbeatleastaswidelyavailabletooversasalcoholandpreferablyaswidelyavailableasanyconsumerproduct |

#### 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:

|  |
| --- |
| IsupporttheprohibitionofecigarettesalestopeopleundertheageofHoweverscopeshouldbeallowedforunderstouseecigarettesundermedicalsupervisionegbyadoctorsprescriptionasasmokingcessationtoolwheretheuserisalreadyaconventionaltobaccosmokerandwishestoquit |

#### 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:

|  |
| --- |
| ResearchhasshownthatecigarettesareusedbyonlyatinyminorityofneversmokersforexampleAdultSmokingHabitsinGreatBritainOfficeofNationalStatisticsThereisthereforelittleriskofencouragingtheuseofecigarettesingeneralasitappearstheyappealonlytosmokersorexsmokersGiventhebenefitsofecigarettesforharmreductionvsconventionaltobaccoitisdesirablethatsmokersbegenerallyencouragedtoswitchtoecigarettesAdvertisingcanplayanimportantroleinincreasingsmokersawarenessofecigarettesandencouragingthemtomaketheswitch |

#### 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:

|  |
| --- |
| TherearemanyenvironmentsinwhichIwouldnotliketoseeecigarettesusedtoavoidannoyancetobystanersforexampleinrestaurantsandcinemasHoweverIbelievethatthedecisiontoalloworprohibitecigaretteuseshouldbelefttothepolicyoftheindividualproperietorsofsuchestablishmentsTherearetworeasonsIngeneralthepurposeofsmokefreeareasshouldbetoreduceharmtobystandersfromsecondhandsmokeThereisnoevidencethatsuggeststheuseofecigarettescausesharmtobystandersandthereforeitisnotnecessarytoprohibittheiruseinpublicThesecondreasonconcernsretailvapeestablishmentsInordertomaximisethesuccessrateofsmokerswishingtoswitchtoecigarettesitisdesirablethattheyachievethemostsatisfyingvapingexperiencepossibleRetailvapeshopscanassistusersinequipmentselectionandassemblyandselectionofliquidcompositionsItisimportantthereforethatvapeshopsnotbeprohibitedfromallowingindoorvapingAtaminimumvapeshopsshouldbeexemptfromanysmokefreeenvironmentrulesforecigarettes |

#### 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 |  |  | ThelevelofharmfromecigarettesisnotsevereenoughtowarranthealthwarningsComparedtootherproductsthatdonotrequirehealthwarningssuchasalcoholorsugaryfoodsecigarettesdonotcausealevelofharmthatwouldnecessitatewarnings |
| Prohibition on displaying products in sales outlets |  |  | TheavailabilityofretailvapeshopsisanimportantpartofencouragingsmokerstoswitchtoecigarettesforharmreductionTheseshouldallowdisplaysamplingetc |
| Restriction on use of vending machines |  |  | IamundecidedonthispointduetothepotentialforvendingmachinestobeusedbyunderyearoldsThiswoulddependonthelocationsinwhichvendingmachinesareallowed |
| Requirement to provide annual returns on sales data |  |  | SuccessfuluptakeofecigarettesbysmokerscanbemaximisedbythewidespreadavailabilityofretailvapeshopsAnyoverlyonerousrequirementsonretailownerswilldiscouragetheproliferationofretailshopsShopsshouldnotbesubjecttoalevelofdatagatheringabovethatofnormalconsumerproducts |
| Requirement to disclose product content and composition |  |  | Thisrequirementisacceptableifitisatareasonablelevelofdetail–forexamplelistingflavouringsonaliquidshouldbesufficient |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | WherethishasbeentriedelsewhereintheworldegintheEUnicotinelevelshaveconsistentlybeenunderestimatedandthispresentsabarriertoheavysmokersswitchingtoecigarettesThereisabsolutelynoreasonwhynicotinecontentshouldbelimitedatanythinglessthanmgmLTosupportsocalledDIYjuicersthosewhomixtheirownliquidsmuchhigherconcentrationsshouldbealloweduptomgmLorevenhigherThereshouldbeabsolutelynolimitsonflavouringsResearchshowsthatadultvaperspreferfruitcakebeverageetcflavoursTheideathatthesemarkettochildrenisacompletefabrication–comparethesetoflavouredvodkacondomsetcnoneofwhicharesubjecttothesamehysteria |
| Requirement for annual testing of product composition |  |  | TheNewZealandvaperetailmarketisprimarilycomposedofsmallbusinessesThisallowsforagreaterhighstreetpresenceandsupportstheavailabilityofecigarettestosmokersforharmreductionOnerousdemandsonsmallbusinessesmustbeavoidedasthiswouldcreateunnecessarybarrierstotheiroperationandhenceleadtoworsehealthoutcomesforsmokers |
| Prohibition on free distribution and awards associated with sales |  |  | SpecialoffersprizesfreesamplesetcareanimportantpartofmakingvapebusinessescommerciallyviableandshouldbeallowedinallformsThiswillmaximiseavailabilityofecigarettestoconsumersforharmreduction |
| Prohibition on discounting |  |  | Seeabove |
| Prohibition on advertising and sponsorship |  |  | Seeabove |
| Requirement for standardised packaging |  |  | IsupporttherequirementforchildproofbottlesforliquidsNootherpackagingrequirementsarenecessary |
| 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:

|  |
| --- |
| IstronglyopposeanyformoftaxationonecigarettesabovethenormalrateofGSTfortworeasonsFirstthereasonthattobaccoissubjecttohighdutiesistwofoldtodiscouragesmokinginordertopromotegoodhealthandtocoversocietalcostsofsmokingegpublichealthcareTheexactoppositeshouldapplytoecigarettestheyshouldbeavailableascheaplyaspossibletomaximiseratesofswitchingfromconventionaltobaccotoecigarettesinordertopromoteharmreductioninsmokersFurthermoresincethereisalowlevelofriskassociatedwithecigarettesthereisnoneedtogeneraterevenuetocoverhealthcarecosts–ifanythingecigarettesshouldbesubsidisedratherthantaxedThesecondreasonisduetocurrentsmokingdemographicswheresmokingisoverrepresentedinlowersocioeconomicgroupsEcigarettesofferawayforhouseholdstocuttobaccoexpenditurewhichisimportantinloweringratesofchildpovertyForthisreasonthepriceofecigarettesshouldbekeptaslowaspossible |

#### 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 |  |  | Ifullysupportarequirementforchildproofcontainerstobeused |
| Safe disposal of e‑cigarette devices and liquids |  |  | HardwareshouldbesubjecttothesameuserenforcedresponsibledisposalascomparableelectronicsegmobilephonesandsingleusebatteriesNodisposalcontrolsarerequiredforliquidsexceptinlargequantitiesthatmaybeusedbymanufacturersegunderexistingHSNOlegislation |
| Ability of device to prevent accidents |  |  | ThewidespreadavailabilityofretailshopsshouldsupportsafepairingofequipmentegtankswithmodsmodswithbatteriesItwillalwaysbepossibletopairincompatiblecomponentsinahazardouswayortooperateequipmentinadangerousstateofdisrepairButthisisnodifferentthananyotherconsumerproductorapplianceandthereforedoesnotrequirelegislation |
| Good manufacturing practice |  |  | Thevapingcommunityenforcessufficientqualityinaletthemarketdecidemanner |
| Purity and grade of nicotine |  |  | InlinewithpreviouscommentsallobstaclestosmallbusinessshouldbeavoidedItisimperativethatmanufacturersandretailersnotbeburdenedwithcripplingtestingrequirements |
| Registration of products |  |  | Thiswillstifleinnovationandultimatelyresultinlessusersatisfactionandlowerratesofuptakeandpersistencewithecigarettes |
| A testing regime to confirm product safety and contents purity |  |  | AsaboveonerousdemandsonretailersmustbeavoidedinordertosupportthewidespreadavailabilityofecigarettesHoweverinspectionbyofficialauthoritiesofmanufacturingpremiseswouldbeworthwhileatasimilarleveltothatappliedtofoodproductionandpreparationoperations |
| Maximum allowable volume of e-liquid in retail sales |  |  | ThereissimplynopointtothisotherthantoobstructusersItservesnoapparentgoalwhatsoeverThisisameanspiritedattempttocomplicatetheregulationsfornoreasonIvehementlyopposethisproposal |
| Maximum concentration of nicotine e-liquid |  |  | AsmentionedinpreviouscommentsIbelievethisisunnecessaryIfanylimitdoesgetapplieditisessentialthatthisnotbesettooloworitwillpreventheavysmokersfromgainingenoughusersatisfactionfromecigarettestobeabletoswitchfromconventionaltobaccoIopposeanylimitlowerthanmgmL |
| Mixing of e-liquids at (or before) point of sale |  |  | Innovationshouldbesupportedtomaximiseusersatisfactionandhenceencourageasmanypeopleaspossibletosuccessfullyswitchfromconventionaltobaccotoecigarettes |
| Other |  |  |  |

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

|  |
| --- |
| EcigaretteregulationshouldapplythelightesttouchpossibleThegoalshouldbetomaximiseuptakeofecigarettesnotlimititsinceitisapparentthatecigarettesappealonlytosmokersanditisalsoapparentthatecigarettesofferanenormousharmreductionvsconventionaltobaccoEveryproposedcontrolshouldthereforebekeptasliberalaspossibleandregulationsonlyappliedwhereabsolutelynecessarytoprotectthesafetyofusersIngeneralIwouldprefertoseenicotineecigarettestreatedlikeanyotherconsumerproductwithoutanyadditionalregulations |

### 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)?

|  |
| --- |
| AsanindividualconsumerIhavenoauthoritativeinformationonthistopic |

#### 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?** |
| Approxyears | Daily | Lessthan | ConcentratenicotinefromUSinternetvendorsglycerinefromthepharmacyandflavoursfromNZbasedinternetvapevendorsHardwarefromNZbasedandinternationalinternetvendors |

Consultation submission 42

Submitter asked that submission not be published

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 43

|  |  |
| --- | --- |
| 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

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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:

|  |
| --- |
|  |

#### 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:

|  |
| --- |
| N/A – Not too sure. Only just started using a vaporizer a day ago |

#### 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:

|  |
| --- |
| It still may be harmfull and we do not know the effects, same as alchohol and smokes, so it should be 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:

|  |
| --- |
|  |

#### 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:

|  |
| --- |
| N/A – im not sure about this one. Probably as they can contain nicotine and if they do then the vapour may be harmful to other people. Plus im not sure but because it contains nicotine then I assume it can still turn things yellow like smokes do – eg – walls. I smoke mine outside just like I used to with smokes and I wouldn’t smoke it around a child or health workers. |

#### 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 |  |  | N/A – don’t know what this means sorry |
| 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 |  |  | N/A – Not too sure |
| 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:

|  |
| --- |
| Its cheap and so far better for you than smoking. That is why I have changed plus you made it too expensive to smoke – so don’t raise what has proven to be a better alternative. We have a right to do what we want in our own lives and we understand that smoking is bad, but don’t make it impossible again with a different solution. |

#### 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 |  |  | N/A – Not too sure |
| 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?

|  |
| --- |
| I have just stopped smoking as I cannot afford to do it any longer. But I enjoy smoking – as much as I know it is hurting my body. That’s why I have chosen a vapourizer that came with nicotine in the oil (only sold it kits). I feel much better, I have not had cravings for a smoke because I am still getting nicotine (not as much though). I know it may not be good for me but I know it is better than smoke in my lungs. If it can stop me from doing that 10-20 times a day and not spending a fifth of my wages on smoking each week then I think it should be easy enough to buy nicotine containg oil. |

### 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 plenty to choose from. I found it very easy and the price actually equals what I spend on smokes each week. But it’s a one off cost apart from maintaining my vaporiser. Very very happy! |

#### 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 week | About 8 times a day | About $5 | Internet |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 44

|  |  |
| --- | --- |
| 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.

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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|  |
| --- |
|  |

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:

|  |
| --- |
| Since transferring from regular cigarettes to e-cigarettes, I have had no cravings, none of the unpleasantness usually associated with being in the vicinity of tobacco smoke, and no desire to return to smoking. I am able to gradually wean myself off nicotine, while having a displacement activity (holding the e-cigarette) to trick my brain into thinking it is smoking. This is a marvellous tool to help people quit tobacco, and by making its legal status clearer this would be a valid option for many people without the ability to import. |

#### 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 think there should be similar controls on the sale of e-cigarettes as there are on tobacco. While it is a healthier option than tobacco, it is still not as healthy as not smoking at all, and as such should be restricted to over-18s. |

#### 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 a tool for improving our nation’s health, perhaps they should apply looser advertising controls. There needs to be a certain amount of publicity at first, even if just advertising as a quit-smoking tool. The general public know very little about these products and as such are vulnerable to misinformation. |

#### 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:

|  |
| --- |
| Perhaps some controls, but in terms of encouraging people to move towards vaping and away from tobacco, apply looser restrictions. Vapers do not generally like inhaling 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 |  |  | They don’t work on cigarettes |
| Prohibition on displaying products in sales outlets |  |  | People will know if cigarettes are there, but not necessarily know if e-cigs are. Since goal is to get them to choose healthier option, makes sense to display. |
| Restriction on use of vending machines |  |  | Ensure only sold to over 18s |
| Requirement to provide annual returns on sales data |  |  | I think it is in the public interest. |
| Requirement to disclose product content and composition |  |  | Same as for food products, also good to know composition of liquid, vegetable glycerine or propylene glycol, and sort of wick (cotton etc) |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Important to know nicotine content for personal control |
| Requirement for annual testing of product composition |  |  | Quality control, protects against product contamination |
| Prohibition on free distribution and awards associated with sales |  |  | Again, prevents supply to under 18s |
| Prohibition on discounting |  |  | Two batteries for price of one? Sounds like a good idea. Easier on budget. |
| Prohibition on advertising and sponsorship |  |  | Control, yes. Prohibition, no. |
| Requirement for standardised packaging |  |  | There are different sorts of e-cigarettes and vapourisers; this should be clear from 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:

|  |
| --- |
| As a goal of reducing health problems and deaths from smoking, I think there should be a grace period of a few years at least, encouraging people to move from smoking to vaping. As such, perhaps raise tax on tobacco while leaving e-cigarettes exempt by virtue of being a quitting aid. |

#### 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; contents can be poisonous |
| Safe disposal of e‑cigarette devices and liquids |  |  | Reduce toxic products in waterways |
| Ability of device to prevent accidents |  |  | Prevent fires etc |
| Good manufacturing practice |  |  | NZ standards applied to imports – good thing |
| Purity and grade of nicotine |  |  | Prevent poisoning |
| Registration of products |  |  | Allows application of standards |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  | Will prevent dealing/supply to under 18s |
| Maximum concentration of nicotine e-liquid |  |  | Reduce chance of poisoning/backyard purification and corruption |
| Mixing of e-liquids at (or before) point of sale |  |  | Again, ensure safety via regulation |
| Other |  |  | Battery safety standards |

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

|  |
| --- |
| I believe these are a very positive thing and with the right guidance and quality control, with balanced and rational debate, they could be the solution to so many problems related to smoking and tobacco related health issues. This is a rare opportunity. |

### 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?** |
| Four months | daily | $5 a week | Imported via internet |

**Policy Options for the Regulation of Electronic Cigarettes**

Consultation submission 45

|  |  |
| --- | --- |
| **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)*

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

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

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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 links or association with 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**

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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, Vaping or Electronic Cigarettes have been proven by different world health authority’s and study’s to be safer than smoking manufactured tobacco products. There is not the same chemicals applied and therefore a major reduction in health risks associated with smoking. There is already a large group of users in New Zealand using these products and this will not reduce based on making these difficult to source internally. Internationally the use of these products are increasing at a rapid rate. This will only continue with the ease of transacting this product over the internet it would be more cost prohibitive trying to restrict this than embracing the advantages these products have over conventional tobacco products legally available in new Zealand at the moment. |

**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 based patches and gum are similar in basis as they also deliver nicotine to the user in a controlled way. These too are based on the user following safe practices in the use of these products so any controls being looked at for these products should be in line with what restrictions are in place for other products already on the market and not restrictive based on misconceptions. |

**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 as the purpose of making electronic cigarettes and liquids available is not to get non-smokers to starting vaping but to give current smokers an option of being able to reduce the impact of nicotine withdrawal while providing a safer option than smoking. Because selling products that do not contain nicotine is already legal any restrictions need to apply to the promotion of the liquids and not the method of hardware as these can be used for both nicotine and non-nicotine based liquids. |

**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:

|  |
| --- |
| The main issue is around whether or not Vaping is a safer alternative to traditional smoking. I believe this is a proven fact that vaping in up to 95% safer depending on the studies you read. Therefore the promotion of this has benefits for the end user if they were to convert from manufactured tobacco products currently being sold to the liquids being sold that are proven to be free from chemicals with known cacogenics properties. This will also need to be clarified as to where that advertising can or cannot be used. i.e. retail displays vs marketing vs internet businesses. It may be that these products cannot be advertised in print or television but allowed to have a web store? |

**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:

|  |
| --- |
| There has been no evidence I have read to suggest that the vapour released has any detrimental impact on those on close vicinity. The business should be able to restrict use if they do not want this in their premise. |

**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 needs to be appropriate warnings about known issues but not to the same levels as for manufactured tobacco products containing many more known cacogenic chemicals. Warnings like: Nicotine is an addictive substance. Disclose chemicals within the liquids being sold to vape would be much more appropriate. There are not the same known health issues associated with vaping as there are with traditional cigarette smoking therefore not the requirement to the same level of warnings currently promoted with Cigarettes. I would suggest that there do need to be warnings but in line with real issues and not perceived issues. |
| Prohibition on displaying products in sales outlets |  |  | Liquids not containing nicotine should be allowed to be viewed. Hardware or mods should be visible. This is the minimum standard. Due to the nature of the internet and number of both international and New Zealand based webs sites dedicated to selling and promoting these products I cannot see how restricting retail visibility will be effective. It does not make sense to restrict access to information from within New Zealand if it will cause users to purchase from other places in the world over the internet where such controls being talked about here will be lacking and in worse case non-existent. |
| Restriction on use of vending machines |  |  | Do not sell nicotine based liquids through vending machines. R18 restriction. |
| Requirement to provide annual returns on sales data |  |  | Only relating to nicotine based products, all others excluded |
| Requirement to disclose product content and composition |  |  | Yes so the user is aware of any known cacogenics in the liquids being vaped |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | In line with American and international standards on safe levels |
| Requirement for annual testing of product composition |  |  | Certification required needs to be clearly outlined but not so restrictive that it encourages people to circumvent this and purchase products considered to be of higher risk from outside of the New Zealand government’s controls. i.e international |
| Prohibition on free distribution and awards associated with sales |  |  | Due to the safer nature of these products compared to standard cigarette smoking anything that can be used to encourage people off smoking should be allowed. |
| Prohibition on discounting |  |  | Will need the ability to match international suppliers while promoting safer levels of products where possible within New Zealand. |
| Prohibition on advertising and sponsorship |  |  | Only on the nicotine based liquids. Needs to be defined on what can and cannot be promoted. I cannot see how the hardware can be restricted but when it comes to the liquids the main concern is Nicotine. Does promoting liquids not containing nicotine fall into the same category of liquids containing nicotine? Could non nicotine based liquids be promoted based on flavour for instance? If so then there are flaws in the strategy as these products may in fact being doing more harm than the nicotine based products being discussed. |
| Requirement for standardised packaging |  |  | Only what standard terms need to be on the packaging. How will this relate to nicotine based liquids compared to non-nicotine based liquids. The only difference being the addition of nicotine. With nicotine known as a non-cacogenic product but some of the additives being used in the manufacture of both nicotine and non-nicotine liquids having known cacogenic products, I believe we need to look at this too while evaluating this topic. |
| Other |  |  | I think the main issue we are looking at is based around the use of nicotine replacement. The mechanism of electronic cigarettes or vaporisers is only the medium that the liquids can be converted from liquids to vapour. This same mechanism is also used for liquids not containing nicotine. The harm being looked into is the same for nicotine vs non nicotine based liquids so doesn’t make sense to differentiate between the two. Nicotine is known to be addictive but not cacogenic where there are known to be chemicals used in the non-nicotine based liquids that are known cacogenics therefore this should be the main concern as legally these products can be sold already and may in fact being doing more actual harm than the nicotine based products which are proven to be safer than the current traditional tobacco based products. Without being able to effectively moderate both options means that it becomes extremely difficult to moderate one of these. |

**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:

|  |
| --- |
| But if this does become a consideration then any excise needs to be directly tied to the strength of the nicotine contained in the liquid. Example you would pay a higher excise for 24mg compared to 6mg. In this way you would encourage users to reduce the strength of the nicotine they are vaping. I recommend that any excise being applied should not be so high as to discourage users from wanting to move from standard cigarettes to safer electronic cigarettes or vaping. |

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

Yes  No

Additional comments: As per all consumer electronic goods, parallel imported products will always be purchased. Consumers will sort of the good from the bad as they do currently. The products must conform to NZ regulations for power and battery would be my suggestion.

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Nicotine based liquids are dangerous to drink |
| Safe disposal of e‑cigarette devices and liquids |  |  | Normal rubbish should be adequate |
| Ability of device to prevent accidents |  |  | As long as NZ safety standards are followed this should not pose a problem |
| Good manufacturing practice |  |  | Only safe products should be promoted |
| Purity and grade of nicotine |  |  | 99% pure or above |
| Registration of products |  |  | Only need to be able to prove safety or certification of the product if required |
| A testing regime to confirm product safety and contents purity |  |  | May be an international tested certification too like US FDA |
| Maximum allowable volume of e-liquid in retail sales |  |  | Somewhere between 50-100ml would be my suggestion. This should be between 1-2 weeks’ worth at most for a frequent vaper |
| Maximum concentration of nicotine e-liquid |  |  | Obviously only to safety limits but 24mg seems to be the strongest |
| Mixing of e-liquids at (or before) point of sale |  |  | Only if the method being used is proven to be safe |
| Other |  |  | Current rules allowing for the importation of up to 3 month supply for personal use may need to be reviewed as all the safety mechanisms being discussed above are not necessarily adhered to by international suppliers currently. |

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

|  |
| --- |
| With the increase in excise currently applied to tobacco based products smokers will continue to look for alternate options for nicotine replacement. This product is readily available not only in New Zealand but internationally. It would be extremely difficult to stop the importation for personal use these products so making this illegal is not working currently. It will be safer to ensure controls are in place to give the safest options for New Zealanders choosing to use vaporisers and nicotine based liquids. |

**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.**

|  |
| --- |
| [Redacted] I cannot see how we can responsibly do this with the ease of purchasing these products elsewhere. There is already a strong underground market for the product in New Zealand based on the number of New Zealand based businesses currently selling nicotine based liquids illegally. |

**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?** |
| Several Months | Several times per day | $20-30 | International Web Sites |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 46

|  |  |
| --- | --- |
| 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)*:       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.

### 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

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|  |
| --- |
| I am not part of the tobacco industry in any way. |

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’d like to see some regulation of E-Liquid, as at the moment you can get rubbish / potentially dangerous stuff from China in dairy’s. |

#### 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 others. |

#### 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, we should restrict items like this to legal adults, as it is an addictive substance. |

#### 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 above, still an addictive product, therefore it should be treated slightly differently, however it is not smoking and therefore cannot be treated as such. |

#### 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 because it has been gone too far the other way, and vaping isn’t smoking, some of the smokefree areas are a bit over the top. |

#### 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 |  |  | Not smoking, can’t compare. |
| Prohibition on displaying products in sales outlets |  |  | They should be allowed to advertise their products in their own store and once again: Not smoking, can’t compare. |
| Restriction on use of vending machines |  |  | Not smoking, can’t compare. |
| Requirement to provide annual returns on sales data |  |  | This should happen with all products? (Even basics?) |
| Requirement to disclose product content and composition |  |  | Just like food and drink, people have right to know what they are consuming, also some are worse than others. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Just like food and drink, people have right to know what they are consuming, also some are worse than others. |
| Requirement for annual testing of product composition |  |  | Just like food and drink, people have right to know what they are consuming, also some are worse than others. |
| Prohibition on free distribution and awards associated with sales |  |  | In stores and restricted to adults, this is fine. |
| Prohibition on discounting |  |  | When being sold to adults, this is fine. |
| Prohibition on advertising and sponsorship |  |  | Not smoking, can’t compare. |
| Requirement for standardised packaging |  |  | Not smoking, can’t compare. |
| 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:

|  |
| --- |
| Not smoking, can’t compare, we tax smoking due to the health and effects it has on society, as I’ve mentioned before, you can’t compare smoking to vaping, they are not the same. |

#### 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 |  |  | Yes, electrical protection. |
| Good manufacturing practice |  |  | This would be covered by testing/disclosing constituents. |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | This would kill home vendors who sell/make their own liquid. |
| Maximum allowable volume of e-liquid in retail sales |  |  | Why would you restrict sales? |
| Maximum concentration of nicotine e-liquid |  |  | Some people can go well over the top, and it is not required. |
| Mixing of e-liquids at (or before) point of sale |  |  | This would be covered by testing/disclosing constituents, so it is not required, you don’t test produce or meat before you buy it fresh, so why liquid. |
| Other |  |  |  |

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

|  |
| --- |
| We need to be very careful, it’s not smoking, so we can’t compare it to smoking. |

### 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)?

|  |
| --- |
| Commonly 5, 10, 30, 50, 100, and 200 ML bottles. |

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

|  |
| --- |
| None on my business, but definitely on my personal habit, I don’t want this choice taken away from me, I’m no longer smoking, I’ve reduced my nicotine from 18MG/1ML to 1.5 MG/1ML and I leave it at home most days, please don’t make me stop using it. |

#### 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?** |
| 2.5 Years | Semi-Daily | $7 NZD +GST | Make it my self. |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 47

|  |  |
| --- | --- |
| 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:

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.

X I have tried e‑cigarettes.

### Privacy

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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:

|  |
| --- |
| It seems clear that e-cigs have considerably less health impacts than conventional cigarettes. The primary job of the MoH should be harm reduction. By allowing consumers a readily available choice, the Ministry will come into in line with other countries that recognise the benefits of allowing easier access to an alternative to the harmful consumption of tobacco. |

#### 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:

|  |
| --- |
| This is a no-brainer. However, smoking in general has become somewhat unfashionable – it is unlikely young people would want to anyway |

#### 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:

|  |
| --- |
|  |

#### 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:

|  |
| --- |
| Vaping is smoke free – unlike the internal combustion engine (for which controls are sadly lacking - probably resulting in death and disability of as many people as tobacco) |

#### 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 | Lack of evidence |
| Prohibition on displaying products in sales outlets |  | X | Brands need not be advertised but a sign stating “e-cigs available here” should be mandatory if conventional cigarettes are sold |
| Restriction on use of vending machines |  | X | If we prefer people to vape rather than smoke, make it available |
| Requirement to provide annual returns on sales data | X |  | Good to monitor to compare with tobacco sales |
| Requirement to disclose product content and composition | X |  | This is basic consumer info |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | X |  | As above, plus country of origin. Flavours must be food grade! |
| Requirement for annual testing of product composition |  |  | Maybe, but this should be covered by consumer legislation |
| Prohibition on free distribution and awards associated with sales |  |  | Neutral on this |
| Prohibition on discounting |  |  | Neutral on this |
| Prohibition on advertising and sponsorship | X |  | Let’s not get carried away |
| Requirement for standardised packaging |  | X | Meaning? Disagree with “plain 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 X

Reasons/additional comments:

|  |
| --- |
| Current excise is revenue gathering. It would send the wrong (and a somewhat cynical) message if a similar excise is applied to e-cigs and particularly on those with low incomes who wish to wean themselves off tobacco. |

#### 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 |  | A no-brainer |
| Safe disposal of e‑cigarette devices and liquids |  | x | Compared to the tonnes of cigarette butts?? |
| Ability of device to prevent accidents |  | x | Like setting off a forest fire?? |
| Good manufacturing practice | x |  | Adopt international best practice |
| Purity and grade of nicotine | x |  | See above |
| Registration of products |  |  | Care not to result in excessive costs. It’s not a medicine. Are conventional cigs registered (whatever this means)? |
| A testing regime to confirm product safety and contents purity |  |  | See above |
| Maximum allowable volume of e-liquid in retail sales |  |  | The reason for this? Does it come in 200L drums? |
| Maximum concentration of nicotine e-liquid | x |  | International best practice |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

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

|  |
| --- |
| A change in legislation needs to be enacted ASAP. NZ is no way a fast follower in this regard even though the benefits internationally have been known for some time. |

### 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?** |
|  |  |  |  |

Consultation submission 48

Submitter asked that submission not be published

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 49

|  |  |
| --- | --- |
| 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.

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

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|  |
| --- |
| I have no links or invested interests with any tobacco company. |

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 √ No

Reasons/additional comments:

|  |
| --- |
| After trying every other cessation option available to us without success; e-cigs have been the only tried and true option that has helped me stop smoking nicotine based cigarettes completely. I was a heavy smoker using “Roll-Your-Own” tobacco from age 13 to age 53. It was nine months ago that I began nicotine e-cigs, now I use zero nicotine based e-cigs succesfully. |

#### 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 people under 18 years of age could potentially start smoking e-cigs and progress to nicotine based cigarettes, so I believe an age restriction should be in place which could allow time for the youth to become more educated about both the difference, and the effects between the two before they turn 18 years old. |

#### 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 believe the tobacco industry should be banned from participating in any way with the e-cig industry because they have suffered great financial losses to date; and they would jump at the opportunity to somehow become involved with e-cigs to recoup their losses to date. |

#### 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:

|  |
| --- |
| Unless there is medical evidence that e-cigs is harmful to humans; then I would not be opposed to the use of e-cigs in designated smokefree 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 |  | √ | Pending medical evidence |
| Prohibition on displaying products in sales outlets |  | √ | Pending medical evidence |
| Restriction on use of vending machines | √ |  | Should not promote the use of smoking in any form. |
| Requirement to provide annual returns on sales data |  |  | Don’t Know |
| Requirement to disclose product content and composition | √ |  | In the event of allergies, all info should be made public to people. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | √ |  | In the event of allergies, all info should be made public to people. |
| Requirement for annual testing of product composition | √ |  | To prevent companies changing their product ingredients. |
| Prohibition on free distribution and awards associated with sales | √ |  | No awards should be allowed as the focus should be entirely on stopping smoking only. |
| Prohibition on discounting |  | √ | Allow discounts to encourage people to stop smoking, and all walks of life being able to afford this option to stop smoking. |
| Prohibition on advertising and sponsorship | √ |  | Prohibit any sponsorship! |
| Requirement for standardised packaging |  | √ | so many “types” of e-cigs |
| 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:

|  |
| --- |
| This would encourage nicotine smokers to move to non-nicotine based e-cigs at the earliest convenience. No form of excise should be imposed on non-nicotine based products at all. |

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

Yes√  No

Additional comments: To avoid all risk of exploding e-cig devices at all cost!

|  |  |  |  |
| --- | --- | --- | --- |
| **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 | √ |  | To identify any harmful issues e-cig devices may create to people. |
| A testing regime to confirm product safety and contents purity | √ |  | To prevent both risk and safety for human consumption. |
| Maximum allowable volume of e-liquid in retail sales | √ |  | To prevent “On-Selling” opportunities, and safety risk of large consumption until medically known. |
| Maximum concentration of nicotine e-liquid |  | √ | Each user will have different tolerance usage. |
| Mixing of e-liquids at (or before) point of sale |  | √ | To prevent user from incorrect usage; allow retailer to mix correctly. |
| Other |  |  | Limit manufacturers to become a). Licensed & b). Sale amounts. |

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

|  |
| --- |
| My primary concern is the tobacco companies jumping onboard using the e-cig industry as another means to introduce their nicotine based products again. The damage they have created to many generations of people’s lives can never be remedied, so if they can be banned outright from participating in this e-cig industry, then perhaps planet earth can be a better place. |

### 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 many products already available, and everyone is different so this is a tricky question to answer. As a heavy smoker; I needed to use a bigger device to satisfy my addiction; the small “pen-type” e-cig simply did not work for me. I had to be able to adjust the wattage, the power, the voltage, and so on to find the range that best suited me. I was lucky to have found a retailer who could assist me greatly with this: [www.themushroomcloud.co.nz](http://www.themushroomcloud.co.nz) are absolutely fantastic with assisting long-term-smokers stop using nicotine! |

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

|  |
| --- |
| I can only state that a). No negative effect on my business, and b). The positive is that my customer relationships have improved ten-fold due to my greater level of patience & tolerance with people since I stopped smoking nicotine cigarettes. |

#### 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 | Daily | $10 - $15 | “[www.themushroomcloud.co.nz](http://www.themushroomcloud.co.nz) “ |

NOTE: I no longer use nicotine based e-cigs, but when I did, I found it to be a real pain having to import nicotine, and then purchase my e-juice and mix accordingly. In actual fact it was this difficulty that encouraged me to progress as soon as possible to zero nicotine so I did not have to go through this hassle any longer!

My family and I are very grateful for the introduction of the e-cigarette into NZ, after many failed attempts to stop smoking using existing options before the e-cig’s arrival. I never thought there was any hope left of becoming completely nicotine-free. The benefits of using the e-cigarette far outweigh the negatives in our house!

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 50

|  |  |
| --- | --- |
| 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)*: Consumer

*(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

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.

|  |
| --- |
| 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:

|  |
| --- |
| By making ENDS more freely available it will be able to successfully compete with tobacco products. Since ENDS have been shown to be a successful smoking cessation tool giving the public access to vapour products has the potential to dramatically improve public health. |

#### 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:

|  |
| --- |
| Snus has been shown to be an effective harm reducation stratagy. Sweden has one of the largest tobacco consumption rates per capita but the lowest incidence of smoking related disease. For those that can't or won't be able to stop smoking with NRT, ENDS, and other methods, Snus should be available as another means of tobacco harm reduction. |

#### 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:

|  |
| --- |
| It's fine in principle to restrict this product to sale to adults. In cases where teenagers are going to experiment with this product vapourisers are far safer and less addictive. Available evidence seems to suggest that when teenagers experiment with vaping it is very often with devices that do not contain any 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:

|  |
| --- |
| Public awareness needs to be raised about the safety of vaping compared to tobacco smoking. It is inappropriate to regulate e-cigarette advertisment in the same way as tobacco products. |

#### 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:

|  |
| --- |
| Forcing vapers to go to smoking areas exposes them to the hazardous smoke that they are trying to avoid. It is not ethical to regulate vapour products in the same way that smoking is regulated. |

#### 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 evidence for harm that would warrant graphic health warnings |
| Prohibition on displaying products in sales outlets |  |  | Vapor products should not be displayed in places where children will be attracted to them. |
| Restriction on use of vending machines |  |  | Should be in 18+ accessible areas only. |
| Requirement to provide annual returns on sales data |  |  | No ethical reason why this should be a requirement. |
| Requirement to disclose product content and composition |  |  | Regulation as for any consumer product. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Self regulation and education is all that is required. Vapers are more interested in the safety of the products than any regulators. |
| Requirement for annual testing of product composition |  |  | No ethical reason why this should be required. It would just increase the burden of cost and therefore reduce the options that consumers have available. |
| Prohibition on free distribution and awards associated with sales |  |  | There is no ethical or scientific reason why this would be necessary. |
| Prohibition on discounting |  |  | There is no ethical or scientific reason why this would be necessary. |
| Prohibition on advertising and sponsorship |  |  | ENDS are most successful as a consumer driven movement. |
| Requirement for standardised packaging |  |  | As a consumer product regulating packaging or form factors would stifle innovation. |
| Other |  |  | Countries that restrict vaping allow tobacco to dominate the market by making this alternative difficult to access. These counties will continue to suffer under the burden of devestating tobacco related health problems when embracing ENDS has the potential to greatly reduce the cost in the future. |

#### 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:

|  |
| --- |
| Keeping nicotine liquids low in cost will make them a more attractive alternative to smoking. Increasing the cost through excise on nicotine liquids will slow the adoption of ENDS by consumers. |

#### 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 |  |  | ENDS produce less waste compared to tobacco and have more components capable of being recycled. Anti littering and recommendations for recycling should be followed. |
| Ability of device to prevent accidents |  |  | Poor quality devices that present a hazard but are aimed at first time users should not be sold. |
| Good manufacturing practice |  |  | Quality devices will improve customer safety. |
| Purity and grade of nicotine |  |  | Pharmacuitical grade nicotine is often unpallatable. Self regulation and consumer choice is all that is required here. |
| Registration of products |  |  | There is no ethical reason to require this. The burden of registration in an industry that is so innovative would have a negative effect. |
| A testing regime to confirm product safety and contents purity |  |  | Self regulation has been shown to work through products that have been improving constantly over the last six years. Requirements for testing would increase cost and stifle innovation |
| Maximum allowable volume of e-liquid in retail sales |  |  | No ethical reason why this is required. Legislation in countries where this has been introduced serves no purpose and results in a black market to circumvent the restrictions. |
| Maximum concentration of nicotine e-liquid |  |  | Different smokers require different levels of nicotine to ensure successful tobacco cessation. Restricting the nicotine concentration restricts their choices. |
| Mixing of e-liquids at (or before) point of sale |  |  | There is no ethical reason known at this time why this would be required. |
| Other |  |  | Up to now the vapour (e-cigarette) market has been largely unregulated. Products have seen constant improvement as more knowledge is gained. Official regulation of this market without a full understanding may have the result of stifling innovation and reducing effectiveness. |

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

|  |
| --- |
| I would like to see New Zealand become a world leader in tobacco harm reduction. At the moment the leader is probably Sweden which has done this through the use of harm reduction products. Since vaping nicotine is less addictive than tobacco as well as being far safer, it's not out of the question for unrestricted vapour products in New Zealand to far exceed the health benefits that counties like Sweden have seen. |

### 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?** |
| 3 years, 5 months | Every day | $3 liquids | China, local, DIY |

Consultation submission 51

Submitter asked that submission not be published

Consultation submission 52

Please expand the consultation to include nicotine nasal spray as a tool for smoking cessation. It is an effective tool for this purpose. It does not include the harmful components of cigarette smoke. It eliminates the psychological prompts of holding a cigarette-like item of the ecigarette and of inhaling.

Consultation submission 53

Hi.

I have never smoked, but would like to suggest that the children living in a household where there are smokers would be much less affected by e-cigarettes than by tobacco smoke as would non-smokers at outdoor venues such as cafes.

Consultation submission 54

11 August 2016

Consultation on Policy Options for the Regulation of Electronic Cigarettes

Ministry of Health

**WELLINGTON**

By email: ecigarettes@moh.govt.nz

**Public Discussion Document: Policy Options for the Regulation of Electronic Cigarettes.**

1. I practise as a Barrister at Quay Chambers in Auckland and I am making this submission as an individual.
2. I do not smoke, nor do I use electronic cigarettes. I do not have any direct or indirect links to, or receive any funding from, the tobacco industry.
3. I welcome the opportunity to comment on the public discussion document published by the Ministry of Health on the first stage of its review of policy options for the regulation of electronic cigarettes.
4. I agree with the recommendation that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local markets in New Zealand with appropriate controls.
5. The empirical evidence referred to in my paper titled *“The Burning Issue of Combustible Tobacco: The Inconvenient Truth”* [2014] New Zealand Law Review, 239 – 263 which I co-authored with An Hertogen (a copy of which is attached to this submission) demonstrates that the differential regulatory treatment of combustible tobacco products and nicotine e-cigarettes and nicotine liquid products in New Zealand can no longer be justified.
6. The paper discusses the New Zealand government’s goal of a smoke-free New Zealand by 2025 and critically evaluates the existing tobacco control policies. It argues that the current approach, which focuses on expanding smoke-free environments and restricting advertising for tobacco products, is unable to achieve the government’s goal. Instead, the article assesses different “endgame” strategies that could achieve a smoke-free New Zealand, primarily by granting regulatory recognition to smokeless tobacco products. Despite these products posing less risk to public health than traditional combustible tobacco, they are regulated far more strictly, and even banned from sale in New Zealand. We argue that New Zealand’s regulatory priorities are in dire need of reassessment to protect New Zealanders against the curse of smoking-related illness and death.
7. Every year, 4500 to 5000 New Zealanders die from active or passive smoking. It is the largest cause of preventable death and disease in New Zealand, and the leading cause of cancer, serious respiratory diseases and cardio-vascular diseases. An oft-repeated statistic is that tobacco is the only consumer product that kills half of its consumers if used as intended. Across all socio-economic groups Māori smoking rates are higher than those of other ethnicities. As a result, Māori are significantly overrepresented in smoking statistics, with smoking as the “leading cause of the disparity in life expectancies and standards of health between Māori and non-Māori”.
8. With annual direct healthcare costs of smoking-related illness amounting to almost $2 billion –well in excess of the $1.3 billion of tax raised from tobacco products – urgent leadership is required to address this issue. The New Zealand government claims that it is serious about reducing the harm, suffering, and loss of life caused by smoking and has declared “smoking a priority issue for the nation’s public health”. To this end, the government has set 2025 as the goal for a “smoke-free” New Zealand. However, this goal is aspirational: the government has been clear that this is not a commitment to banning smoking altogether by 2025. Instead, its latest proposal towards this target is to introduce plain packaging of tobacco products. This builds on existing legislation that restricts and regulates how and where the tobacco industry can market its products, where these products can be consumed, and by whom they can be consumed.
9. The tobacco industry has campaigned vigorously against the proposal. Its arguments encompass legal claims about a violation of its intellectual property rights and of the government’s international trade obligations as well as non-legal arguments such as personal responsibility of smokers and the “slippery slope” argument. Our paper is also critical of the plain packaging proposal, but our reasons are very different than those of the industry. The plain packaging strategy ignores the elephant in the room, which is that New Zealand allows a harmful product, known to be the largest contributor to death and disease in our country, to be legally available on the market.
10. Unlike alcohol and fast food, tobacco products cannot be consumed in moderation to avoid their harmful effects. The inconvenient truth is that burning tobacco releases harmful toxins. These include tar, arsenic, pesticide residue, carcinogens, and radioactive isotopes that are absorbed into the bloodstream within seconds after the smoke has been inhaled. Further, cigarette smoke contains nicotine, a known psychoactive substance that causes addiction for 80-90% of people who start smoking. The fast absorption of the nicotine makes cigarettes the most addictive drug of abuse, more so than cocaine and heroin. Contrary to popular belief, the nicotine is not the main cause of the death and disease among smokers. Rather, it is the various by-products of burning tobacco that smokers keep inhaling once they are addicted to nicotine that kill them.
11. Despite these known harms, the regulatory treatment of combustible tobacco products is more lenient that that of other psychoactive substances, such as synthetic cannabis, and that of other nicotine delivery methods, such as nicotine patches and e-cigarettes. We argue that the differential treatment is not justified.
12. The question that the government should be asking, in our opinion, is whether nicotine can be delivered more safely, and whether combustible tobacco products should continue to be lawfully available or be outlawed as Bhutan did in 2004. Is there a way to go truly smoke-free? Should New Zealand be more ambitious, given the health concerns at stake?
13. Section two of the paper discusses New Zealand’s current policy package in relation to tobacco products. Although data have shown a decline in smoking prevalence, this package is incapable of achieving the goal of making New Zealand smoke-free by 2025. Even aggressive increases in excise duties will not, on their own, be sufficient. Following a business-as-usual scenario, census trends indicate that it will take another 65 years for smoking to disappear completely in New Zealand and that smoking deaths will occur until the end of the century. Data from other countries confirm the lack of short-term impact of current tobacco control policies. The lack of short-term impact of the existing measures suggests that a different approach is needed.
14. Section three of the paper, which I would specifically draw your attention to, critically discusses alternative proposals that are being developed in the academic literature on tobacco control. Of these “endgame” proposals, we believe that the most promising is a shift to less harmful nicotine delivery methods such as electronic cigarettes and nicotine replacement therapies (NRT). However, as section four reveals, higher regulatory standards compared to traditional combustible tobacco products restrict, or in the case of electronic cigarettes block, consumers’ access to these alternatives. To level the playing field, we argue that the alternatives and traditional combustible tobacco products should be subject to the same regulatory framework. This implies that the alternatives are subject to more lenient treatment whereas traditional combustible tobacco products would be subject to stricter treatment than they currently are. Our argument is not that alternatives should become freely available, and indeed the end result may well be that both traditional and alternative nicotine delivery methods are deemed unsafe for consumption. However, if this outcome is required to protect the health of New Zealanders, that is exactly what the regulatory framework should achieve.
15. I wish to be heard on this submission at any future Select Committee hearing held on the matter.

Yours sincerely,

Anita Killeen

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 55

|  |  |
| --- | --- |
| This submission was completed by: *(name)* | [redacted] |
| Position *(if applicable)*: | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | South Canterbury District Health Board (SCDHB) |

*(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)*: District Health Board, Smokefree Enforcement Officers

*(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.

|  |
| --- |
| Nothing to declare. |

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:

|  |
| --- |
| Community and Public Health smokefree staff are aware that the sale and supply of nicotine e-cigarettes and liquids is already taking place on the local market. Clarity is needed for retailers, consumers and Smokefree Enforcement Officers on the legal status of these products. As noted on page 4 of the consultation document, emerging evidence suggests that e-cigarettes pose less of a health risk than smoked tobacco, if smokers switch completely to e-cigarettes. On that basis, the SCDHB recommends that the sale and supply of nicotine e-cigarettes and liquids should be allowed within set regulations that can be amended quickly as more evidence becomes available. Proper regulation and control of e-cigarettes and liquids has the potential to improve quality control and safety, while also making an alternative product available that evidence suggests is a safer alternative when compared 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:

|  |
| --- |
| Community and Public Health SFEOs have noted an increase in the use of e-shisha. In the interest of consistency, products such as e-shisa should be subject to the same control as e-cigarettes. |

#### 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:

|  |
| --- |
| The current law relating to e-cigarettes set out in the SFEA has caused confusion. Prohibiting the sale and supply of all e-cigarettes (nicotine or not) to under 18s will provide a clear and consistent rule for retailers and consumers to understand. Allowing sales to under 18s would give the impression that these are safe products for children to use when in fact the health risks are still unknown and nicotine e-liquids present a poisoning risk. Allowing sales to under 18s may also encourage vaping among young people who have never smoked tobacco, which should be avoided. |

#### 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:

|  |
| --- |
| The SCDHB supports controlling advertising of e-cigarettes in the same way as advertising of tobacco products. Consistency will make regulations easier to understand. Minimising exposure to these products may help to prevent uptake of vaping among non-smokers, particularly young people, which could renormalise smoking behaviour. While advertising controls are supported, the SCDHB recommends that regulations still allow the provision of information about e-cigarettes by cessation service providers. This will ensure people can seek impartial, accurate, evidence based information about e-cigarettes from professionals who do not stand to gain anything from their use. |

#### 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 vapour are still unknown and therefore exposure should be minimised. If vaping is not prohibited in Smokefree areas under the SFE Act then the use of e-cigarettes will be difficult to regulate. Clear regulation in the SFEA would provide much needed clarity and guidance. Allowing vaping in Smokefree areas also risks renormalising smoking behaviour and causing a nuisance in areas that have been Smokefree for years. This would be a significant step backwards on the journey to Smokefree 2025. |

#### 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 |  |  | As the health risks of e-cigarettes are not known with certainty, a graphic health warning would not be appropriate at this time. As an alternative, the SCDHB recommends that a statement of unknown health risk should be required. A poisoning warning should also be required. |
| Prohibition on displaying products in sales outlets |  |  | This would ensure consistency with the regulation of tobacco products and would make it easier for retailers to understand their responsibilities. |
| Restriction on use of vending machines |  |  | Regulations should be the same as those that are in place for tobacco products to ensure that e-cigarettes and e-liquids do not become available in confectionary vending machines. |
| Requirement to provide annual returns on sales data |  |  | Information from annual returns would be useful to inform research and future policy reviews. |
| Requirement to disclose product content and composition |  |  | This information will enable consumers to make an informed choice about the products they buy. It should also be included in annual returns so it can inform research and future policy reviews. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Regulation of nicotine content is important for the reduction of poisoning risk.  Regulation of nicotine content and disclosure on packaging would offer consumers choice and also limit the potential for suppliers to increase levels to manipulate sales. There may also be a time in the future where reducing the nicotine content of e-cigarettes could be used as a public health tool, so having a mechanism for control in place from the outset would be beneficial.  The health risks of added flavours are unknown and so there should be a mechanism in place for their regulation. |
| Requirement for annual testing of product composition |  |  | Manufacturers of e-cigarettes and e-liquids should be required to pay for independent annual testing of their products. |
| Prohibition on free distribution and awards associated with sales |  |  | To ensure consistency with tobacco regulations. |
| Prohibition on discounting |  |  | To ensure consistency with tobacco regulations. |
| Prohibition on advertising and sponsorship |  |  | To ensure consistency with tobacco regulations. |
| Requirement for standardised packaging |  |  | As there is such a wide variety of e-cigarettes, standard size and shape of packaging may not be possible. However, standardisation of information about nicotine content and flavouring is needed. |
| Other |  |  | Restrictions on the wording used in product and flavour names should be included in the regulations. Manufacturers should not be able to use names as marketing tools to make their products seem safer or more appealing than others. |

#### 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:

|  |
| --- |
| It is important that e-cigarettes remain a cheaper option than tobacco smoking. A mechanism to impose some form of excise duty on nicotine e-liquid would enable some sort of government control on the price of these products. Even if the excise duty is $0, it still provides the option to change this at a later date. |

#### 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 |  |  | To reduce the risk of poisoning. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Instructions on how to safely dispose of e-nicotine liquid, containers and e-cigarette batteries should be provided by manufacturers. This will reduce the risk of poisoning and contamination. |
| Ability of device to prevent accidents |  |  | There has been anecdotal evidence of e-cigarettes exploding, causing injury. Quality controls to prevent these types of accidents should make e-cigarettes as safe as possible. |
| Good manufacturing practice |  |  | It is necessary to have these standards for quality control and safety. |
| Purity and grade of nicotine |  |  | It is necessary to have these standards for quality control and safety. |
| Registration of products |  |  | It is necessary to have these standards for quality control and safety. |
| A testing regime to confirm product safety and contents purity |  |  | Testing will be required to show proof of compliance with the quality and safety controls that are implemented. |
| Maximum allowable volume of e-liquid in retail sales |  |  | The SCDHB recommends that there be a maximum allowable volume for each e-liquid container, not for retail sales. This is to reduce the risk of poisoning while also not restricting people’s ability to ‘stock up’. |
| Maximum concentration of nicotine e-liquid |  |  | Advice should be sought form a toxicologist to set this maximum concentration at a level that reduces the risk of poisoning. |
| Mixing of e-liquids at (or before) point of sale |  |  | Mixing of e-liquids at the point of sale should be prohibited. Mixing would make the content information stated on the package incorrect and useless. |
| Other |  |  |  |

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

|  |
| --- |
| The SCDHB recommends that there be a requirement for the new regulations to be reviewed after 3 years. As research around the use of e-cigarettes continues, the regulations must be able to keep pace with emerging evidence.  The introduction of new regulations presents an opportunity to require registration or licensing of e-cigarette retailers. However, this has not been raised as a possibility in the consultation document. A register of retailers would enable SFEOs to better enforce the regulations, and enable the Ministry to track annual returns. The SCDHB recommends that mandatory registration or licencing of retailers be required for both e-cigarettes and tobacco. The process to register as a licenced e-cigarette and e-liquid retailer should be easier and cheaper than that required for tobacco retailers.  Regulations should include restrictions on the number and location of e-cigarette and e-liquid retailers. The density of retailers and proximity to sensitive sites such as schools should be carefully limited to avoid prolific availability and targeting of young people. Consideration should also be given to the types of stores that are permitted to sell e-cigarettes and e-liquids. For example, supermarkets already have comprehensive procedures in place to prevent the sale of R18s products to young people and may therefore be a more appropriate retail setting than others such as small corner dairies. Specialist vaping shops and pharmacies could also be considered. |

### 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 56

|  |  |
| --- | --- |
| 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:

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:

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.

### 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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|  |
| --- |
| Nil |

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:

|  |
| --- |
| Safer than normal cigarettes, should be equally (if not more) available. Should be readily available for anyone who has changed to e-cigarettes or who wants to come off 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:

|  |
| --- |
| Not that I am aware 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 X No

Reasons/additional comments:

|  |
| --- |
| They are still addictive, sale should be restricted as cigarettes currently are |

#### 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:

|  |
| --- |
| They should be a smoking cessation device or an alternative to cigarettes. We don’t want to be recruiting or creating more nicotine addicts |

#### 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 X No

Reasons/additional comments:

|  |
| --- |
| Although the vapour is generally not offensive or dangerous to the health of others (unlike cigarettes), there is still some smell, generally from the glycol or other carrier. Vaping does not need to be done in public places where children might see it and think it is “cool” |

#### 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 |  |  | Unknown – only if there are dangers to health |
| 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 |  |  |  |

#### 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:

|  |
| --- |
| E-cigarettes are an effective way of getting people off cigarettes, their use by smokers should be encouraged. They are a much cheaper alternative than cigarettes and people should see them as a safer and cheaper alternative. No more than usual GST |

#### 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 |  | Nicotine is still dangerous, children shouldn’t be able to access them |
| Safe disposal of e‑cigarette devices and liquids | X |  | Potentially dangerous components with the liquid and batteries |
| Ability of device to prevent accidents | X |  | Yes – if there is some risk |
| Good manufacturing practice | X |  |  |
| Purity and grade of nicotine | X |  |  |
| Registration of products | X |  |  |
| A testing regime to confirm product safety and contents purity |  |  | Only if this is reasonably done and not a way of generating revenue or keeping the products off the market |
| Maximum allowable volume of e-liquid in retail sales |  | X | Why would you want to do this? |
| Maximum concentration of nicotine e-liquid | X |  | For safety, nicotine is still a poison |
| Mixing of e-liquids at (or before) point of sale |  |  | ??? |
| Other |  |  |  |

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

|  |
| --- |
| My husband has successfully stopped smoking by switching to e-cigarettes. Nothing else worked for him. These are a useful aid to stopping smoking. E-cigarettes and cigarettes should only be available on prescription for those who are addicted rather than allowing the creation of a new generation of addicts. We still don’t have long-term studies on e-cigarettes to show their 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)?

|  |
| --- |
| Don’t know sorry |

#### 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 57

|  |  |
| --- | --- |
| 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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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.

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|  |
| --- |
| No links |

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:

|  |
| --- |
|  |

#### 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:

|  |
| --- |
|  |

#### 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?

|  |
| --- |
| I have been a smoker for over thirty years. However, last March I changed to e-cigarettes, and have not smoked since. I feel better for it, but it is crazy that I have to bring in the nicotine from overseas, while tobacco is still readily available in the supermarkets and dairies. |

### 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?** |
| 6 months | Thursday to Sunday evenings | Not sure. I have never worked it out | Mail order from within NZ, and mail order the nicotine liquid from the USA |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 58

|  |  |
| --- | --- |
| 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)*: As an individual of Maori descent I have a vested interested in the health of whanau, hapu and Iwi.

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

Please indicate your ecigarette use status:

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

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

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|  |
| --- |
| No I don't have any vested interest in the tobacco industry. |

Please return this form by email to:

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:

|  |
| --- |
| In my view the primary aim is to reduce the use of tobacco related products and the secondary aim should therefore be to reduced the use of nicotine. |

#### 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 aware of any. |

#### 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:

|  |
| --- |
| Absolutely. The sale of ecigarettes should be treated the same as tobacco products. |

#### 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:

|  |
| --- |
| Absolutely – this would reduce the possib ility for misuse and/or abuse. |

#### 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 smoke has been an issue, vaping does not pose the same health risk. |

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Not necessariliy graphic but consideration of warnings related to use being recreational or if for the purpose of supporting tobacco use cessation or reduce the use of tobacco, that the user ultimately determines whether this is achieved. |
| Prohibition on displaying products in sales outlets |  |  | There should be limitations to displaying products as there is still the potential for people to be drawn into using the products in the belief that it is completely safe. |
| Restriction on use of vending machines |  |  | These products should not be available through vending machines. |
| Requirement to provide annual returns on sales data |  |  | The distribution of the products should be monitored. |
| Requirement to disclose product content and composition |  |  | Absolutely – to ensure that the content is standardised and safe reduces any likelihood of manufacturers attempting to make cheaper or 'fake' product which could be potentially harmful. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Absolutely – to ensure that the content is standardised and safe reduces any likelihood of manufacturers attempting to make cheaper or 'fake' product which could be potentially harmful. |
| Requirement for annual testing of product composition |  |  | Absolutely – to ensure that the content is standardised and safe reduces any likelihood of manufacturers attempting to make cheaper or 'fake' product which could be potentially harmful. |
| Prohibition on free distribution and awards associated with sales |  |  | Reduce any potential for increased sale for purposes other then to support the reduction in the use of tobacco |
| Prohibition on discounting |  |  | Reduce any potential for increased sale for purposes other then to support the reduction in the use of tobacco |
| Prohibition on advertising and sponsorship |  |  | Reduce any potential for increased sale for purposes other then to support the reduction in the use of tobacco |
| Requirement for standardised packaging |  |  | Current packaging requirements should be sufficient. |
| 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:

|  |
| --- |
| There is a need for restrictions however I believe that the 'mgs' in the nicotine is what should be regulated or restricted. |

#### 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 |  |  | It's not a device/product recommended for children therefore needs these safety components. |
| Safe disposal of ecigarette devices and liquids |  |  | Absolutely – the same as all electronic devices |
| Ability of device to prevent accidents |  |  | As all devices that may not be 100% safe |
| Good manufacturing practice |  |  | To reduce any potential harm |
| Purity and grade of nicotine |  |  | Safety |
| Registration of products |  |  | Safety |
| A testing regime to confirm product safety and contents purity |  |  | For safety purpose |
| Maximum allowable volume of e-liquid in retail sales |  |  | Yes – to support the reduction and/or ceassation of tobacco use |
| Maximum concentration of nicotine e-liquid |  |  | Graduated reduction of concentration to support the reduction and/or use of tobacco |
| Mixing of e-liquids at (or before) point of sale |  |  | Should not be allowed.Int |
| Other |  |  |  |

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

|  |
| --- |
| The easiest way to montior something is to create a system which provides the process and legislation to do so. From point of manufacture to point of sale, and as research is minimal supporting the use of ecigarettes to reduce or cease tobacco use then being able to monitor the use post point of sale would provide useful information.  It would be possible to monitor post point of sale by utilising existing networks (Providers of smoking cessation programmes – although I have used two local providers in the past which have not been useful or effective). A ceassation programme should be created for prospective clients which includes their present and past choices of methodology and resources. I would not recommend the combined use of patches, gum or lozenges with ecigarettes unless research has already determined that this is safe. Graduated concentration of nicotine liquid should be recommended based on the volume of tobacco use (I started with 24% mg and now use 5% mg). |

### 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)?

|  |
| --- |
| Online buying increases the market place for any product and ecigarettes are no exception. In the Wider Waikato there are 2 retail points of sale from which I have purchased ecigarettes and nicotine liquid and a further local retail point which is a homebased business but initial arrangements are made through a internet site. The range of ecigarettes are extremely diverse with comparable pricing. |

#### 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 years | Has decreased from 8-9 times a day to 1 or 2. | $4-$5 | Online mostly |

**Consultation submission 59**

**Your details**

|  |  |
| --- | --- |
| *(name)* | [redacted] |
| *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| *(email)* | [redacted] |
| *(organisation)* | Health New Zealand Ltd |
| *(position)* | [redacted] |

This submission was completed by:

Address:

*(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? **YES**

*(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

YES 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.

YES 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:

Yes 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.

|  |
| --- |
| None. |

Please return this form by email to: **ecigarettes@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 Yes No

Reasons/additional comments:

|  |
| --- |
| Yes, we believe Nicotine E-cigarettes and their nicotine liquids should be made available on the local market. |

**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 YES No

Reasons/additional comments:

1. These include e-cigarettes

2 Nicotine lactate e-cigarette replacing the nicotine pyruvate cigarette owned by Philip Morris.

3. Heat not burn devices which heat tobacco to <400 degrees C but do not produce carcinogens.

4. Other devices which also do not produce carcinogens.

**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 YES No

Reasons/additional comments:

|  |
| --- |
| The brain of adolescents becomes hard wired to addiction within the first 20 cigarettes. This has been shown in research by Scragg DiFranza, Laugesen et al. and published in *Nicotine and Health*, 2013. |

**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 NO

Reasons/additional comments:

|  |
| --- |
| Here the situation is badly confounded; e-cigarettes are not tobacco sticks, but are meant for vaping- they don't kill people.  Legislation should not control advertising of e-cigarettes as it does for smoked tobacco products because  1. E-cigarettes are not a public health risk, in that they do not kill people.  2. The main problem with manufacturers is that they do wish to communicate with their new public, and as an important principle they should be allowed to seek permission through the advertising standards authority or the Ministry, before getting approval for the advertising of an e-cigarette, at point of sale or at a website. |

**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  **Yes and No** NO

Reasons/additional comments:

|  |
| --- |
| First YES to places like airlines, operating theatres and wards where people are being kept alive with difficulty: e-cigarettes should be banned, just as if they were drinking alcohol.  Secondly NO to places where the place is smokefree, as in bars, but where smoking an e-cigarette would be permissible if the manager permitted it.  Again, a NO to a campaign to make the streets of Wellington smokefree, but this must not be allowed to stop e-cigarette users being denied the ability to vape - this would be wrong. |

**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 | NO. There is no reason why a health warning should appear on an e-cig. The best one would be Smoking is Addictive but that is reserved for cigarettes: such a warning does not apply to an e-cig as the user is not likely to die from ignoring the warning. |
| Prohibition on displaying products in sales outlets |  | NO | Some display is required to enable purchase, as these are highly personal products with up to 20 or 30 products on display.. |
| Restriction on use of vending machines |  | NO | As for tobacco products |
| Requirement to provide annual returns on sales data | YES |  | Annually, by hardware and volumes sold. |
| Requirement to disclose product content and composition | YES |  | Limit these to the top ten contaminants in cigarette smoke |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | YES |  | Nicotine |
| Requirement for annual testing of product composition |  | NO | Keep this as a reserve power. |
| Prohibition on free distribution and awards associated with sales |  |  | YES |
| Prohibition on discounting |  |  | YES |
| Prohibition on advertising and sponsorship |  |  | YES |
| Requirement for standardised packaging |  | NO. | NO. With e-cigarettes varying so much in shape and size, what are the practicalities?. Not justified as no public health gain. |
| Other |  |  | No. It is important not to load up e-cigarettes with burdens due to mythical ideas that nicotine is at fault. |

**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 NO.

Reasons/additional comments:

|  |
| --- |
| NO. E-cigarettes do not kill people and so do not qualify as public health risk products. They emit nicotine, not carcinogens |

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

Yes YES No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | Yes |  | However in registration any laxity on this will be detected. |
| Safe disposal of e-cigarette devices and liquids | Yes |  | This to be embodies in Ministry regulations |
| Ability of device to prevent accidents | Yes |  | This comes under registration below to assure Ministry of this |
| Good manufacturing practice | Yes |  | This comes under registration below. |
| Purity and grade of nicotine | Yes |  | Yes and testing below. |
| Registration of products | Yes |  | To confirm all standards passed |
| A testing regime to confirm product safety and contents purity | Yes |  | To confirm that nicotine is up to Pharmaceutical grade. |
| Maximum allowable volume of e-liquid in retail sales | Yes |  | To be confirmed by vapour sellers. |
| Maximum concentration of nicotine e-liquid |  | NO | Market will adjust for this |
| Mixing of e-liquids at (or before) point of sale | Yes |  | This exposes ill trained individuals to risk. |
| Other |  |  |  |

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

|  |
| --- |
| Specialised sellers are needed and they need special training from a vaper employed by Ministry to go and visit potential sellers. From our personal observations in pharmacies, these do not do a good job of making e-cigarettes known, yet they are keen to charge highly. Last choice should be current sellers of combustible 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)?**

|  |
| --- |
| Not involved. |

**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?** |
| NA |  |  |  |

# Policy Options for the Regulation of Electronic Cigarettes

Consultation submission 60

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | West Coast Tobacco Free Coalition |
| 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)*: Regional Smokefree Coalition

*(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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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.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| The West Coast Tobacco Free Coalition has no links to, nor does it receive funding from, 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:

|  |
| --- |
| Nicotine e-cigarettes are helpful for some smokers in their efforts to quit smoking, and are probably less harmful than tobacco cigarettes for those regular smokers who switch from tobacco to e-cigarettes. Therefore they should be allowed on the local market. However, the availability of e-cigarettes should be subject to appropriate controls so that they do not become a gateway into tobacco 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:

|  |
| --- |
| Devices that are marketed as e-shisha or e-hookah should be deemed to be e-cigarettes for the purposes of these controls. |

#### 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:

|  |
| --- |
| Such legislation is important, in the light of recent studies showing that e-cigarettes have the potential to be a gateway into smoking tobacco cigarettes for young people who might otherwise not have become smokers (e.g. Barrington-Trimis, Urman, Berhane, et. al., “E-Cigarettes and Future Cigarette Use”; in *Pediatrics* 2016, 138 (1)).  For current tobacco smokers under the age of 18 years who want to use e-cigarettes to quit smoking, we suggest that e-cigarettes could be made available to individuals via medical prescription. |

#### 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:

|  |
| --- |
| Controls on advertising of e-cigarettes will help to prevent uptake of vaping among non-smokers. However, we recommend that regulations still allow the provision of generic information to clients about e-cigarettes by smoking cessation service providers. |

#### 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:

|  |
| --- |
| We think it is important for the SFEA to prohibit vaping in designated smokefree areas. Doing so will not disadvantage e-cigarette users relative to tobacco smokers. Not to do so would undermine smokefree legislation and risk re-normalising tobacco smoking. |

#### 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 |  |  | While graphic warnings are not yet indicated, we submit that there should be a written warning on e-cigarette packaging that the long-term health risks of e-cigarette use are unknown; and also that nicotine can cause acute poisoning with excessive use. |
| Prohibition on displaying products in sales outlets |  |  | Consistent with regulations for tobacco products. |
| Restriction on use of vending machines |  |  | Consistent with regulations for tobacco products. |
| Requirement to provide annual returns on sales data |  |  | This would help to inform research and future policy reviews. |
| Requirement to disclose product content and composition |  |  | Essential for enabling informed choices by consumers. |
| Regulations concerning ingredients (e.g. nicotine content and/or flavours) |  |  | Essential for reduction of nicotine poisoning risk, and for any other potentially harmful ingredients. |
| Requirement for annual testing of product composition |  |  | Independent testing at manufacturers’ expense. |
| Prohibition on free distribution and awards associated with sales |  |  | Consistent with regulations for tobacco products. |
| Prohibition on discounting |  |  | Consistent with regulations for tobacco products. |
| Prohibition on advertising and sponsorship |  |  | Consistent with regulations for tobacco products. |
| Requirement for standardised packaging |  |  | Standardisation of written product details. |
| Other |  |  | Restrictions on the wording used in product and flavour names should be included in the regulations. Manufacturers should not be able to use names as marketing tools to make their products seem safer or more appealing. |

#### 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:

|  |
| --- |
| We support some form of excise or excise-equivalent duty on nicotine e-liquid, as long as e-cigarette use remains a cheaper option than tobacco smoking. |

#### 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 |  |  | To reduce the risk of poisoning. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Manufacturers should provide instructions on safe disposal of e-cigarette devices with batteries, and nicotine liquid. |
| Ability of device to prevent accidents |  |  | E-cigarettes have been known to explode, causing facial injuries. |
| Good manufacturing practice |  |  | For quality control and safety. |
| Purity and grade of nicotine |  |  | For quality control and safety. |
| Registration of products |  |  | For quality control and safety. |
| A testing regime to confirm product safety and contents purity |  |  | To show compliance with quality and safety controls. |
| Maximum allowable volume of e-liquid in retail sales |  |  | We recommend that there be a maximum allowable amount of nicotine per container, to reduce the potential for accidental poisoning. |
| Maximum concentration of nicotine e-liquid |  |  | To reduce the potential for accidental poisoning. |
| Mixing of e-liquids at (or before) point of sale |  |  | We support the mixing of liquids for demonstrating the use of the device at point of sale, but not if it invalidates product information on any particular container. |
| Other |  |  |  |

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

|  |
| --- |
| The body of evidence about the use of e-cigarettes is growing rapidly. We suggest that any new regulations around e-cigarettes be made subject to review no more than two years after promulgation.  We would like to see the licensing of retail outlets for both tobacco products and e-cigarettes. This would enable the provision of information to these retailers in a more organised way. It would also assist the Ministry of Health and other people gathering information (e.g. researchers) to have a more accurate way of monitoring usage and other data.  We have reservations about the use of the term ‘e-cigarettes’ as this is a direct reference to smoking and serves to continue the normalisation of smoking. We would prefer the term Electronic Nicotine Delivery Systems (ENDS). |

### 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.

|  |
| --- |
| 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?** |
|  |  |  |  |