

Proposals for the Smoked Tobacco Regulatory Regime

Submitted to Proposals for the Smoked Tobacco Regulatory Regime
<https://www.health.govt.nz/publication/proposals-smoked-tobacco-regulatory-regime>
Submitted on 2023-01-16 01:15:24

Your details

1 What is your name?

Clive Bates

3 What is your organisation? (if applicable)

Counterfactual

4 What is your age?

5 What ethnicity/ethnicities do you identify with?

6 What Iwi do you affiliate to?

7 I am, or I represent, the following category or categories (select all that apply):

Community or advocacy organisation

Simple submission

8 We are interested in understanding the needs of different areas of Aotearoa.

What is your area?:

I am not in New Zealand/other

9 What is the most important thing to consider when deciding which stores should sell smoked tobacco?

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The measure intentionally imposes time penalties on people who wish to smoke, disproportionately Maori) by making them travel further. They will either (1) bear these time costs, which is a detriment that should be carefully assessed both before and after implementation) or (2) find alternative supplies, which may be a driver of unintended consequences, such as illicit trade.

10 Do you agree with restricting vaping product flavour names to minimise their appeal to youth

No

11 Do you agree with extending product safety requirements for disposable vaping products?

No

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

No

13 If you have any more ideas or comments on any of the regulatory proposals, please write them here.

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There is an obvious missing element in the design of the "Smoked Tobacco Regulatory Regime". That is the assessment of its impact and plausible unintended consequences, together with a review process to modify the regime in the light of experience. This is especially important given the novel nature of these measures and the obvious scope for adverse consequences such as illicit trade or workarounds. If there are no significant adverse consequences, then an evaluation and review mechanism will confirm the success of the measures. Impartial and candid evaluation and review should be integral to a regulatory regime. This is both to ensure the regime serves the public interest and to inform New Zealand stakeholders and international onlookers about the practical experience of these measures.

Proposal 1a – Number of smoked tobacco retail premises and their distribution across Aotearoa

14 Do you agree with dividing Aotearoa into areas and having a maximum number of smoked tobacco retail premises for each area?

Not Answered

15 Do you agree with the concept that urban and rural areas should be treated differently?

Not Answered

16 Do you agree with our suggested allocation scenario, as described in Table 1 and the supplementary maps we have produced below?

Not Answered

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

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

What is your area (town, city or rural location)?:

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

Proposal 2: Low nicotine requirements

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

Not Answered

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

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

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

No

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

Yes

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

It depends on what the insert says. It should do two things:

- 1. Health and consumer protection: messages should make it clear that compliant low-nicotine cigarettes are not healthy or healthier and are unlikely to be satisfactory substitutes for regular cigarettes.**
- 2. Encourage cessation or switching to legal low-risk alternatives.**

29 Do you agree with the smoked tobacco product application requirements?

Not Answered

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

30 Do you agree with the proposed requirements for temporary approvals?

Not Answered

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

Proposal 5: Youth vaping

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

No

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

The measure is predicated on knowing what flavour names "appeal to youth" as if this is somehow obvious or, worse, is just based on a simplistic assumption that childish themes appeal to adolescents. Adolescents are largely concerned with distancing themselves from childhood and emulating adults. So the danger is that adolescents simply want what adults want.

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

No

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

Disposables are a critical technology in enabling low-income or otherwise disadvantaged groups to respond to the new smoking tobacco products regime by switching easily and cheaply to vaping. They are very successful around the world precisely because they present users with low complexity, low cost, zero up-front cost access to a satisfactory alternative to nicotine use by smoking. Excessive technical requirements will have two main effects: (1) slow the migration away from smoking products; (2) create an illicit market or workarounds that enable users to access these products.

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

No

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

Vape shops should be located where smokers can most easily and conveniently access them. These retail outlets will be an integral part of successfully shaping the behavioural response to the Smoked Tobacco Regulatory Regime discussed in this consultation. It would be better if the location of these shops were determined by retailers and market forces, backed with strong age restrictions.

Declarations, publishing submissions and privacy

38 Publishing submissions

You may publish this submission

39 Do you have commercial interests?

I do not have any commercial interests in smoked tobacco or other regulated products (vaping products, other notifiable products)

40 Commercially sensitive information

This submission does not contain commercially sensitive information

If your submission contains commercially sensitive information, please let us know where.:

41 Protection from commercial and other vested interests of the tobacco industry

Please provide details of any tobacco company links or vested interests below.:

None.