

Response ID ANON-R1VE-BUMU-Q

Submitted to Proposals for the Smoked Tobacco Regulatory Regime
Submitted on 2023-01-31 17:12:52

Your details

1 What is your name?

Name:
Shannon Mead

2 What is your email address?

Email:
shannon@nomorebutts.org

3 What is your organisation? (if applicable)

Organisation:
No More Butts

4 What is your age?

Not applicable (eg, if you are submitting as an organisation or group)

5 What ethnicity/ethnicities do you identify with?

Prefer not to say

Specify other ethnicity:

6 What Iwi do you affiliate to?

What Iwi do you affiliate to?:

N/A - former Australian who lived in New Zealand, now running an advocacy based out of Australia.

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?:

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

Not Answered

Do you have any comments?:

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

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

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

Not Answered

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

Not Answered

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

Not Answered

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

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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?

Yes

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

Yes

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

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

Yes

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)?:

I am not in New Zealand/other

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

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

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

Yes

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

It should also be a requirement for any person selling tobacco to be over 18.

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

Yes

Do you have any other suggestions? :

It should be a requirement that any person selling tobacco must be over 18.

Proposal 1c – Approval processes and decision-making criteria

20 Do you agree with the proposed application process?

Yes

Are there any aspects that need to be clearer?:

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

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

It may be worth highlighting the process if an applicant hasn't accepted their approval by a certain date, then can another venue be considered. Also, if one of the 600 stores goes out of business, or changes business names, or adds additional items to their business, what is the review process to add or replace with another business.

22 What do you think is most and least important to take into account when assessing an application?

What do you think is most and least important to take into account when assessing an application? :

Proximity to locations and activities accessed by minors is very important. Similarly, other goods being sold is important. Operating hours should be similar - if not for the store, then tobacco products may not be sold between eg. 901pm and 959am then following day. All items listed are extremely

important ie. nothing should be discounted.

Proposal 1 – Additional retail questions

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

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

I would suggest preventing online sales as it introduces the ability for someone else to make a purchase without having the ability to check ID.

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

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

There should be little profit in selling tobacco products in the first place. However, the reduction of retailers may mean that in year one, these 60 businesses could get 10 times the profit from the sale of tobacco products.

Maybe there can be a maximum revenue / profit per outlet (or across the 60 outlets), with the balance going into a fund for previous tobacco resellers to apply for to promote other non-tobacco categories? Or they could choose donate the lost profit to social causes, including environmental or health charities, impacted by tobacco.

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?

Yes

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

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

No

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 is not clear if highlighting that a product has less nicotine will actually be more appealing to a smoker that does not want to quit.

It is also not clear if an insert would be read and the message paid attention to. If there is an insert, we would also encourage an environmental message around the fact that the filter is plastic (similar to EU packaging label).

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

Yes

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

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

No

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

Unless it is importation only for testing to check compliance, providing a temporary approval does not seem to support the overall objectives.

Proposal 3: Fees

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

Yes

What processes do you suggest we charge for? :

All proposed

32 Do you agree with the level of each of the fees?

Yes

If not, how much do you suggest we charge?:

33 Do you agree with our cost-recovery approach?

Yes

If not, what approach do you suggest we use? :

Proposal 4: Notification requirements

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

Yes

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

They should not be able to re-register without having submitted any and all reports for the year. ie. total transactions, including split by time of day, brand, sales price and cost price.

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?

Yes

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?:

Flavour and scent is one of the elements that it addictive with vapes. Whilst they may be considered not as dangerous as smoking tobacco, there are enough unknowns on the long-term impacts that we should proceed with caution when allowing a product to be sold. A total aggregate of eg. "sweet", "sour" should be sufficient without the appeal of names targeted towards the demographic.

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

Yes

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

Disposable li-ion batteries in landfill are a disaster waiting to happen, so this is a proactive step that should be implemented immediately. The RCM (regulatory compliance mark ie. Z Type formerly) should be considered here also.

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

Yes

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. :

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.: