



8 March 2023

Ministry of Health
133 Molesworth Street
Wellington

Via email to: smokefree2025@health.govt.nz

Tēnā koutou,

Proposals for the Smoked Tobacco Regulatory Regime

Local Government New Zealand (LGNZ) welcomes the opportunity to submit on the regulatory regime proposals.

Local government supports greater regulation, and wants to see these proposals go further

The way that tobacco and vaping products are made and sold can have a significant impact on community wellbeing. Given this, local government strongly supports the introduction of regulatory measures that can protect vulnerable populations and prevent further harm in our communities.

Councils have been contributing to this goal through their policy and planning processes since the Government adopted the Smokefree 2025 goal in 2011, and over 60 per cent of councils have now aligned their smokefree policies to the Smokefree 2025 goal.

In our submission on the Smokefree Environments and Regulated Products Amendment Bill we advocated for further regulation of the availability of vaping products and a further reduction to the availability of smoked tobacco products. While it's positive to see some change proposed through these regulatory proposals we'd like to see the proposals go further, to keep both smoked tobacco and vaping retail locations away from schools and other sites where they may increase access and normalise smoking or vaping among young people in particular.

Area based maximums for tobacco retailers is a positive move

We strongly support the proposal to set a maximum number of retail premises for smoked tobacco products in each area of Aotearoa. It's estimated that 90 percent of current tobacco retailers are within 1km of schools, meaning that for many of New Zealand's 800,000 young people, tobacco products are too easily accessible. To counter this we support proximity and location criteria as part of the decision making and ranking process.

Taking different approaches for rural and urban areas is supported but gaining council input is important to get this right

Proposal 1a deals with the distribution of smoked tobacco retail premises across rural and urban areas. We agree in principle that a different approach will be needed for rural and urban settings. Councils are

well placed to provide valuable local context and knowledge that can inform decisions on numbers and areas, and we advise the Ministry to carefully consider councils' feedback when finalising regulations.

The regulatory impacts on local government need to be clarified

Proposals 1b and 1c deal with the requirements and process for being approved as a smoked tobacco retailer. We understand that the approvals will be managed by the Ministry, but it's not yet clear whether there would be any regulatory impact or enforcement role for local government as a result of the proposed changes. If the Ministry does want local government to play a role in the regulatory or enforcement process, it will be essential to first engage with councils to determine what capability and/or funding gaps need to be addressed for them to be involved.

Greater restrictions on vaping products and retailer locations are supported

Regulatory proposal 5 deals with youth vaping. We support the proposal to extend vaping packaging and product restrictions, and strongly support proximity restrictions for where a Specialist Vape Retailer can be located. We we'd like to see the restrictions go further than specialist vape retailers to also apply to general vape retailers but note that legislative amendment is required to achieve this.

The harmful impacts that vaping is having on our young people and wider communities is a concern for many councils. At LGNZ's 2022 AGM 79 percent of attending members passed a remit that asks LGNZ to request that the Government:

- Restrict the sale of vaping products to R18 specialist vape stores; and
- Develop proximity limits to prevent the clustering of vaping product retailers and protect young people.

Our members are regularly hearing concerns from their communities about the increase of vape retailers. Many are concentrated, like tobacco retailers, within one kilometre of a school and in areas of high deprivation. For example, Dargaville has a population of less than 5,000, however, on its main street, 13 vape retailers operate within a 1-kilometre length: ten General Vape Retailers and three Specialist Vape Retailers. The three licensed Specialist Vape Retailers are located within 150m of each other. Such density normalises vaping and increases the risk of harm from vaping. Firm proximity limits and density controls would be an effective tool to address this.

If you have any queries regarding this submission please contact Charlotte McKay, Senior Policy Advisor – charlotte.mckay@lgnz.co.nz.

Nāku noa, nā



Grace Hall

Director Policy and Advocacy
Local Government New Zealand