



15 March 2021

Our ref: KM21-148

Ministry of Health
PO Box 5013
WELLINGTON

via email: vaping@health.govt.nz

Tēnā koe

Smokefree Environments and Regulated Products Act 1990 - Proposals for regulations

Thank you for giving The Royal New Zealand College of General Practitioners the opportunity to comment on the Smokefree Environments and Regulated Products Act 1990 - Proposals for regulations.

The Royal New Zealand College of General Practitioners is the largest medical college in New Zealand. Our membership of 5,500 general practitioners comprises almost 40 percent of New Zealand's specialist medical workforce. Our kaupapa is to set and maintain education and quality standards for general practice, and to support our members to provide competent and equitable patient care.

Submission

The College considers vaping can be a useful additional tool to assist smoking cessation however the College considers that the proposed regulations place insufficient emphasis on the potential risks associated with vaping.

The proposed regulations permit activities likely to encourage to non-smokers to commencing vaping and warnings omit important information. While there is evidence to support the relative safety of vaping in comparison to tobacco smoking, evidence to support the long-term safety of vaping is lacking. Vaping should therefore not be promoted to non-smokers. While overt advertising is not permitted the regulations allow activities that are likely to render vaping attractive, especially to young people.

We would like to make specific comments in relation to the following sections of the proposals.

Regulatory proposal 1: Defining an internal area

Question 1. Which option do you support for the definition of an internal area and why?

The College's preferred option is C: Prescribe the maximum allowable percentage of the roof or wall coverage for any premise or structure.

We note that, because it is relatively simple to understand and administer, the Ministry's preferred option is B "Define it as an area that is completely or partially enclosed with a roof or overhead structure of any kind, whether permanent or temporary".

Temporary structures providing shade will be disincentivised under option B. As such structures aid in skin cancer prevention the College considers that the regulations should not disincentivise the provision of shade.

Regulatory proposal 3: Promotion, information and advice

Question 6. Do you agree that the display of vaping products should not be regulated at this stage?

The College considers that the display of vaping products **should** be regulated at this stage. Displays have the potential to attract young non-smokers to vaping.

The consultation document states on page 1 that the ACT was introduced as a result of a government commitment to “better support smokers to switch to less harmful products, and to protect children and young people from the risks associated with these products”.¹ The College considers that regulation of the display of vaping products is essential to protect not only children and young people but also adults, particularly ex smokers.

The College supports the suggestions included in the consultation document, namely.

- Do not allow vaping products to be visible from outside any retail premise, as a way of protecting children and young people from being attracted to them.
- Prohibit window displays of vaping products, as a way of protecting children and young people from being attracted to them.
- Put constraints on how vaping products may be displayed within retail stores (other than approved specialist vape premises). For example, prohibit them from being placed next to confectionery or limit large colourful displays that may be attractive to children and young people.

The College considers that it is not only young people who have never smoked that are at risk of being attracted to vaping, Former and very occasional smokers are also at risk of being attracted to vaping if it is presented as being attractive and risk-free.

3.3 Public health messages

Question 9. Do you consider that other information, beyond the information that Vaping Facts already outlines, should be designated as a public health message issued by the Director-General of Health for public services and any publicly funded individuals or organisations to use?

The College does not consider that the information contained in “Vaping Facts”² adequately highlights the little-understood short-term and unknown long-term effects of vaping. As stated in the British Medical Journal “Decades of chronic smoking are needed for development of lung diseases such as lung cancer or chronic obstructive pulmonary disease, so the population effects of e-cigarette use may not be apparent until the middle of this century”³. In June 2019, the College declined to endorse the Health Promotion Agency’s Consensus statement on vaping out of concern that the long-term harm of vaping is not fully understood.⁴

Regulatory proposal 4: Packaging

Question 17. Do you support the proposed wording of the health warning for vaping products? If not, what do you propose?

The proposed wording of the health warning for vaping products is “This product damages your health and is addictive”.

¹ https://www.health.govt.nz/system/files/documents/publications/smokefree-environments-regulated-products-act-1990-proposals-regulations-public-consultation-document_21dec2020.pdf accessed 11/3/21

² <https://vapingfacts.health.nz/> accessed 10/3/21.

³ https://www.bmj.com/content/366/bmj.15275?int_source=trendmd&int_medium=cpc&int_campaign=usage-042019 accessed 11/3/21

⁴ RNZCGP letter to the Health Promotion Agency 7 June 2019

The College considers that this warning is inadequate. The health warning must also clearly state that the effects of vaping on health are currently unknown. Research has found that messages focusing on addiction alone did not resonate with youth but they did respond to messages stating specific health consequences of e-cigarette use.⁵

Conclusion

The College welcomes these long overdue regulations but considers that more emphasis on the harms of vaping, and consequently more control over the promotion of vaping to current non-smokers is required.

We hope you find our submission helpful. If you have any questions, or would like more information, please email us at policy@rnzcgp.org.nz

Nāku noa, nā



Kylie McQuellin
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⁵ <https://tobaccocontrol.bmj.com/content/29/5/510> Accessed 11/3/21