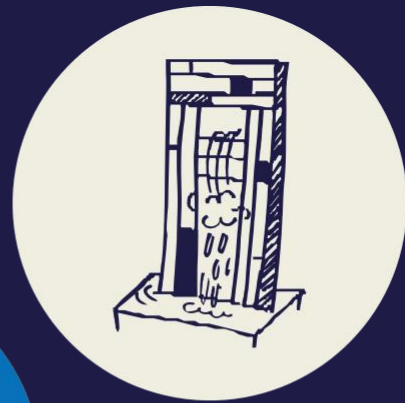


# HAMILTON CITY COUNCIL – STAFF SUBMISSION

## Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill

Parliament's Health Committee



23 August 2022



**Hamilton  
City Council**  
Te kaunihera o Kirikiriroa

## Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to the priority '**A city where our people thrive**'.

## Council Approval and Reference

This staff submission was approved by Hamilton City Council's Chief Executive on 23 August 2022.

Hamilton City Council Reference D-4323423 - Submission # 701

It should be noted that the following submission is from staff at Hamilton City Council and does not necessarily represent the views of the Council itself.

## Key Messages and Recommendations

1. Hamilton City Council staff support the **Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill**.
2. We also support the submission made by Local Government New Zealand (LGNZ) to the Bill.
3. It is widely accepted that smoking can result in a significant ongoing negative impact on people's overall health. It also creates a considerable (and often avoidable) burden on the country's already stretched healthcare system.
4. We acknowledge that enactment of the Bill will support the Government's goal of reducing daily smoking rates to less than 5 percent across all population groups by 2025.
5. Hamilton City Council has adopted a **Smokefree and Vapefree Outdoor Areas Policy**, with the purpose and scope being to: Identify the areas in Hamilton where smoking and vaping is prohibited; enable a collaborative action plan with agencies representing the Council's commitment to the national goal of supporting New Zealand to become a Smokefree nation by 2025.
6. The Smokefree and Vapefree Outdoor Areas Policy reflects Hamilton City Council's stance against smoking and vaping and is in alignment with the Government's Smokefree 2025 goal.
7. We support the **Remit #5 - Density and Proximity of Vaping Retailers** that was endorsed at LGNZ's 28 July 2022 Annual General Meeting i.e., requesting 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.
8. We support the generational ban of smoked tobacco products which extends to excluding a person born on or after 1 January 2009 from ever purchasing smoked tobacco products.
9. We support the introduction of regulations to control the quantity of nicotine in smoked tobacco products.
10. We support the introduction of different requirements for vape retailers that will control advertising and the range of vape products (including flavours) in non-specialised vape retailers.
11. We advocate for the Amendment Bill to extend the current provisions for limiting smoked tobacco product retailers to extend to restrict the number and density of retailers who can sell vape products.

## Introduction

12. Hamilton City Council staff appreciate the opportunity to make a submission to Parliament's Health Committee on the **Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill**.
13. The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill highlights that it will:
  - Significantly limit the number of retailers able to sell smoked tobacco products.
  - Aim to prevent young people from taking up smoking by prohibiting the sale of smoked tobacco products to anyone born on or after 1 January 2009.
  - Aim to make smoked tobacco products less appealing and addictive.

14. The Bill also notes that *“While smoking rates have declined overall, Māori, Pacific people, and those living in the most deprived areas of New Zealand continue to have disproportionately higher smoking rates, and experience greater health inequities from smoking”*.
15. It is widely accepted that smoking can result in a significant ongoing negative impact on people’s overall health. It also creates a considerable (and often avoidable) burden on the country’s already stretched healthcare system.
16. We therefore support the purpose and provisions outlined in the **Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill**, noting that it amends the **Smokefree Environments and Regulated Products Act 1990** and the **Customs and Excise Act 2018**.
17. We also acknowledge that enactment of the Bill will support the Government’s goal of reducing daily smoking rates to less than 5 percent across all population groups by 2025 i.e., the Smokefree 2025 goal.
18. We also support the submission made by Local Government New Zealand (LGNZ) to the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill, particularly given that LGNZ’s submission is supportive of a number of the points/issues outlined in this submission by Hamilton City Council staff.

## Hamilton City Smokefree and Vapefree Outdoor Areas Policy

19. On 27 September 2012, Hamilton City Council adopted a **Smokefree Outdoor Areas Policy**, with the first major review occurring in September 2020 where the policy was updated to a **Smokefree and Vapefree Outdoor Areas Policy**. The next review is scheduled for September 2023.
20. The purpose and scope of Council’s Smokefree and Vapefree Outdoor Areas Policy is to:
  - Identity the areas in the city where smoking and vaping is prohibited.
  - Enable a collaborative action plan with agencies representing the Council’s commitment to the national goal of supporting New Zealand to become a Smokefree nation by 2025.
21. This policy reflects Hamilton City Council’s stance against smoking and vaping and is in alignment with the Government’s Smokefree 2025 goal.

## Local Government New Zealand’s Remit on Restricting the Sale of Vaping Stores

22. On 28 July 2022, Local Government New Zealand (LGNZ) members passed a remit on vaping at their Annual General Meeting.
23. **Remit #5 - Density and Proximity of Vaping Retailers** seeks for LGNZ to request the Government to 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.
24. This remit passed with 79 percent support (including support from Hamilton City Council), signalling that a large proportion of councils throughout New Zealand are concerned about the harmful effects of vaping and support changes being made in the vape retail space. LGNZ’s media release on remits can be [accessed here](#).

25. The remit advocates for the Amendment Bill to extend the current provisions for limiting smoked tobacco product retailers to extend to restrict the number of retailers who can sell vape products. A central government approach enables us to use our limited resources more effectively on collaborative work with partners and community outreach to apply changes introduced through the Bill.

## Response to Part 1: Limiting the Number of Smoked Tobacco Product Retailers

26. We support the limitation of retailers for smoked tobacco products. However, we would like to advocate for this limitation to be extended to vaping retailers.
27. We support the introduction of requirements for specialist vape retailer applications and notification of other vape retailers to the Director-General. However, this does not control the number or density of retailers. In line with **Remit #5 Density and Proximity of Vaping Retailers**, Hamilton City Council staff believe that the introduction of density and proximity limitations for vaping retailers is required.
28. Whilst vaping is considered less harmful than smoking, it is not harmless. As stated within the Remit, survey data shows there is a rising vaping prevalence among young people. The extension of policy to limit density and proximity of vaping retailers would help to protect young people who do not smoke from being influenced by the exposure to vaping products in a retail setting.

## Response to Part 2: Introducing a Smokefree Generation

29. We support the generational ban of smoked tobacco products which extends to excluding a person born on or after 1 January 2009 from ever purchasing smoked tobacco products. Whilst this approach has not been widely tested, the implication that smoking is not healthy at any age is likely to reinforce Smokefree public health messaging and help to reduce social supply, both contributing to Government's Smokefree 2025 goal.
30. We advocate for the extension of this generational ban to vaping products. Whilst vaping has been used by some smokers as a way to transition into non-smoking, vaping has become increasingly used by those that have never smoked, especially young people. As stated above, national survey data shows rising vaping prevalence among young people. Changes should be made to protect young people.

## Response to Part 3: Making Products Less Appealing and Addictive

31. We support the introduction of regulations to control the quantity of nicotine in smoked tobacco products. The limitations placed on nicotine content will reduce the addictiveness of smoked tobacco products, contributing to the Government's Smokefree 2025 goal.
32. We support the introduction of different requirements for vape retailers that will control advertising and the range of vape products (including flavours) in non-specialised vape retailers. This will prevent the normalisation and promotion of vaping products and help protect our young people from taking up vaping.

## Further Information and Hearings

33. Should Parliament's Health Committee require clarification of the submission from Hamilton City Council staff, or additional information, please contact **Rebecca Whitehead** (Unit Director - Community Services) on 027 808 6392 or email [rebecca.whitehead@hcc.govt.nz](mailto:rebecca.whitehead@hcc.govt.nz) in the first instance.
34. Hamilton City Council staff **do wish** to speak at the hearings of Parliament's Health Committee in support of this submission.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**

Hamilton City Council  
Garden Place, Private Bag 3010, Hamilton

 /HamiltonCityCouncil

 @hamiltoncitycouncil

 07 838 6699

**hamilton.govt.nz**