



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

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# ORDINARY MEETING OF COUNCIL

## Open Minutes Attachments

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Meeting Date:	Thursday 26 September 2024
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Time:	9.30am – 12.05pm
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Venue:	Chapman Room Level 1, Chapman Pavilion Latham Street Napier
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TE HIWA A  
MĀHAKI

# OUR WHY

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Te Hiwa a Māhaki was created from a whānau driven approach to address the in-equalities faced by young people transitioning from either state-care to independence and supporting the necessary life skills and connectedness needed to be valued participants within their communities, whanau, hapū/Iwi.

Our passion for what we do is embedded in our personal whānau story being a 3rd generation, cycled through the State-Care system with the root core issue leading back to displacement and no strong home foundation to live and thrive. That being said we are also on the journey to set up the first Youth focused Supported Housing in Te Matau a Maui - Hawkes Bay.



Hiwa signifies growth and also being the whetu of aspirations. Showing humility in achievement and hardwork

Māhaki keeps you grounded, signifying the humility we show to embody those values and skills.

# Kāinga Tahī

Youth Housing Program - Phase 1:  
This phase aims to:

- Wānanga learning style
- Understand the unique needs and perspectives of young people (Rangatahi).
- Help Rangatahi explore and choose their preferred living arrangements, whether it's flatting, renting, or preparing to buy.
- Educate Rangatahi on the importance of housing stability and its impacts on employment and wellbeing.
- Whai Rawa - Preparedness, financial capabilities
- Inform Rangatahi about their rights and responsibilities in housing.





# Kāinga Rua

## Phase 2:

In this phase, young people will:

- Wānanga to build housing capability
- Learn about pathways to homeownership and papakāinga (community housing).
- Receive direct advice from property agents and mortgage brokers.
- Develop purposeful financial plans and explore ways to improve their financial position.



# Te Ara ki Tua

Rangatahi can visit at their convenience whenever they need assistance. They have access to dedicated, personalized support that is specifically designed to help them navigate any challenges they encounter. This local support is tailored to meet their unique needs and circumstances, ensuring they receive the most relevant and effective guidance



## Rangatahi + Community Hub

We're creating a Rangatahi and community drop-in center where:

- We'll host our core programs.
- Other providers can offer workshops.
- Businesses can showcase and sell their products weekly.
- A Justice of the Peace will be available regularly.
- The community can gather to share ideas and connect.
- More exciting plans are in development!



# Tukua



The Tukua programme empowers young people to overcome challenges and pursue their dreams. We partner with external providers like CURATIVE NZ, Manaaki Rangatahi, Purangakura Research, Mana Kainga (Te Matapihi) to provide opportunities for rangatahi to participate and voice solutions to the issues that affect them i.e housing, health outcomes etc

It nurtures creativity, entrepreneurship, and innovation in a supportive setting. Participants explore careers in graphic design, illustration, photography, videography, and sound design, and gain access to wider digital platforms.

# ĀWHEREO



An academy that encompasses our deepest desires, aspirations and dreams through sports

- Strength + conditioning
- Nutrition + recovery
- Sportsmanship + leadership
- Fitness + agility
- Inner wellbeing
- Self-discovery + discipline
- Wānanga
- Leadership in the sports arena as well as at home**







## 1. Increased Youth Empowerment and Leadership:

- ***Self-Confidence and Agency:*** When rangatahi are given opportunities to voice solutions to issues and participate in decision-making processes, they gain confidence in their abilities. This sense of agency helps them take charge of their futures and advocate for themselves and their communities.
- ***Leadership Development:*** Projects that promote leadership in youth empower them to lead in various sectors, from housing to innovation, and contribute to national and local projects. They become role models for their peers, creating a ripple effect of positive influence.

## 2. Economic Mobility and Career Readiness:



- ***Employment Opportunities:*** Programmes that equip rangatahi with housing literacy, innovation skills, and career preparation directly contribute to their economic mobility. Youth who are better prepared for the workforce can access higher-paying, more stable careers, reducing unemployment and poverty in the long term.
- ***Entrepreneurship and Innovation:*** By fostering innovation and creativity, youth are more likely to start their own businesses, create jobs, and drive economic growth within their communities, contributing to regional and national development.



### 3. Social Cohesion and Community Strengthening:

- ***Stronger Communities:*** When rangatahi are equipped with the skills to solve housing issues, innovate, and contribute to local and national projects, it strengthens community bonds. They can contribute to projects that enhance social services, infrastructure, and wellbeing in their neighborhoods.
- ***Cross-Generational Connection:*** Building capability in rangatahi allows them to engage meaningfully with elders and other generations, bridging gaps and promoting a deeper understanding of cultural values, heritage, and collective goals.



## 4. Reduction in Social Inequality:

- ***Housing Security:*** Access to housing knowledge and opportunities helps youth avoid housing insecurity and homelessness. Stable housing is a foundation for social stability, contributing to better health, educational outcomes, and overall wellbeing.
- ***Inclusivity and Equity:*** Investment in youth capability, particularly for marginalized groups such as Māori, Pasifika, or youth from low-income backgrounds, reduces inequality by providing them with equal opportunities to thrive, voice their concerns, and participate in shaping solutions.

## 5. Improved Mental and Emotional Wellbeing:

- ***Sense of Belonging and Purpose:*** When youth feel like active contributors to their communities and national projects, they experience a greater sense of belonging and purpose. This positively impacts mental health, resilience, and self-worth.
- ***Stress Reduction:*** Housing stability and career preparation can alleviate the stress and uncertainty that many youth face regarding their future. Knowing they have access to support, skills, and resources for housing and employment leads to better emotional and psychological outcomes.

## 6. Civic Engagement and Political Participation:

- ***Active Citizenship:*** Encouraging youth to voice their opinions on issues that affect them, and providing platforms to do so, fosters greater civic engagement. Rangatahi become more aware of their role in shaping policies, especially in areas like housing, social justice, and innovation, leading to higher levels of political participation.
- ***Long-Term Social Change:*** Empowered youth are more likely to advocate for systemic change, challenging inequality and pushing for policies that benefit future generations.

## 7. Innovation and Future-Ready Communities:

- ***Creative Solutions to Local and National Issues:*** By fostering innovation, rangatahi can contribute fresh, forward-thinking ideas to national projects. Their involvement ensures that solutions to housing and other societal issues are inclusive of youth perspectives and future-ready.
- ***Technological and Social Innovation:*** Youth trained in innovation and creative thinking are more likely to develop new technologies or social enterprises that address pressing social challenges, contributing to long-term sustainable development.

## 8. Cultural Preservation and Identity:

- ***Strengthening Cultural Ties:*** Projects that center on rangatahi, especially those focused on housing or innovation, can emphasize cultural values and indigenous knowledge (e.g., Māori housing models like papakāinga). This promotes the preservation of cultural heritage while also meeting modern needs.
- ***Identity and Pride:*** Investing in youth capability enhances their sense of identity and pride in their cultural background, empowering them to contribute meaningfully to their communities and nation.



## 9. Intergenerational Benefits:

- ***Future Generations:*** When rangatahi are equipped with skills, knowledge, and opportunities, the benefits extend beyond them to future generations. Their success in housing, careers, and leadership creates a lasting positive impact on families, whānau, and communities.
- ***Breaking Cycles of Disadvantage:*** Investment in youth capability can break cycles of poverty, housing insecurity, and social exclusion, creating generational changes in communities.

## 10. Increased Innovation in Social Services and Infrastructure:

- ***Improved Housing Solutions:*** With a focus on youth participation, the housing sector can benefit from creative, youth-driven approaches to addressing affordability, sustainability, and access issues. This creates more adaptable housing models for future generations.
- ***Community Development:*** By investing in youth innovation, there is greater potential for developing infrastructure and social services that cater to the unique needs of youth, contributing to overall societal wellbeing.



13.09.24

### **An overview of the Government's planned vaping legislation:**

Currently the Government are progressing new legislation as part of their 'crack down on youth vaping'. The Smokefree Environments and Regulated Products Amendment Bill (No 2) has just passed its first reading in Parliament and now moves on to the select committee process. This is where anyone can make a submission to the select committee and share their views on the legislation.

You can now [make a written submission](#) on Parliament's website or by post. Be quick as submissions close at 11.59pm on Friday, 27 September 2024 with the Bill due back in Parliament for its second reading by 31 October 2024.

The Health Select Committee will consider the submissions and might hold sessions where people will be invited to make an oral submission and answer any questions select committee members may have. The committee will then write a report which recommends if the Bill should go ahead or not. They can also advise if any amendments should be made. This is why giving feedback is important. Following this the Bill be ready for its second reading in Parliament, possibly with some changes based on the select committees report.

#### **Quick overview** what is being proposed:

- A **ban** on the manufacture, sale, supply, and distribution of disposable vapes, this includes pre-filled vaping pods.
- **New fines** introduced for selling disposable vapes of \$400,000 for a large retailers and \$50,000 for any other person on conviction.
- **Requires** all new Specialist Vape Retail stores planning to open are at least 100 metres away from early childhood education centres (as well as 300 metres away from schools and marae).
- **Closes** a loophole allowing Specialist Vape Retailers to 'Communicate with their existing customers' effectively banning advertising of vaping products.
- **Changes** the rules for what can be displayed on Specialist Vape Retailers websites, soon only plain black and white text and no images of vaping products will be allowed on websites and limited on how vaping products can be described.
- Vaping products can still be displayed in Specialist Vape Retailers but vape products including their packaging will no longer be allowed to be visible from outside the store. The fine for breaching this increases from \$10,000 to \$50,000.
- **Increases** in fines for the sale and delivery of vaping products to under 18s from \$10,000 to \$100,000 for a company (body corporate) and from \$5,000 to \$10,000 for an individual.

#### **What is not being proposed:**

- **No** reduction in the number of existing Specialist Vape Retail stores - despite a promise to reduce SVR's to a maximum of 600.



- **No** limits on the number of new Specialist Vape Retailers (SVR's) opening unless they are within 100m of ECE's or fail to meet other existing requirements.
- **No** reduction or limit of the number of General Vape Retailers.
- **No** additional powers given to Customs to stop illegal vapes at the border entering the country, this means disposable vapes can still make their way into NZ and can't be stopped or seized at the border.
- **No** introduction of plain packaging for vaping products.

**Timeline:**

- This legislation will likely be in force in mid-2025. It will need to go through the full parliamentary process which includes 3 readings of the Bill and a select committee process.
- **First reading:** Done.
- **Select committee process:** open now until 11.59pm on Friday, 27 September 2024.
- **Second reading:** 31 October 2024.
- **Third and final reading:** Possibly by the end of 2024.
- **Legislation in effect:** End of 2024 with most provisions in place 6-months after the legislation passes.

**More information:**

You can read the proposed Bill [here](#).  
Submissions to the Select Committee can be made [here](#).  
Read more about how to make a submission [here](#).  
Ministry of Health [Regulatory Impact Statement](#).  
Treasury [Regulatory Impact Statement](#)  
First reading [hansard](#).

**Clause by clause detailed breakdown:**

New measure/explanation:	Legislation wording (red text = existing legislation. Black text = new legislation):
	<p><b>Title</b></p> <p>This Act is the <a href="#">Smokefree Environments and Regulated Products Amendment Act (No 2) 2024</a>.</p> <p><del>Smokefree Environments and Regulated Products Act 1999</del></p>
Most parts of the Act come into force 6 months after Royal assent.	<p><b>Commencement</b></p> <p>(1) This Act comes into force on the day after Royal assent.</p>



	(2) However, sections 4, 6, 7, 11 to 14, 16, 18, 22(1), (3) and (4), 23, 25 to 27, and 29 come into force 6 months after Royal assent.
<p>Redefines what is considered a disposable vaping product.</p> <p>This appears to include pre-filled vaping pods.</p> <p>Disposable vapes are currently defined in the regulations as a <b>single use vaping device</b> which: means a vaping device that is pre-filled with a vaping substance or heated tobacco product and that is not designed to be refilled once used. This definition is removed in regulations replaced by the new disposable vape definition in the primary legislation.</p>	<p><b>Section 2 amended (Interpretation)</b></p> <p>In section 2(1), insert in its appropriate alphabetical order:</p> <p>disposable vaping product means a vaping product that is not designed or intended to be reused, and includes—</p> <p>(a) a vaping device that—</p> <p>(i) is not designed to be refilled by the user with a vaping substance; or</p> <p>(ii) is not designed to be recharged; or</p> <p>(iii) both subparagraphs (i) and (ii) describe; and</p> <p>(b) a container that—</p> <p>(i) is pre-filled with a vaping substance; and</p> <p>(ii) is designed to be fitted into a vaping device; and</p> <p>(iii) is not designed to be refilled by the user with a vaping substance</p>
<p>Adds an additional measure to the purpose of the Act: <i>to reduce access to regulated products by children and young people.</i> (<b>Regulated product</b> means a tobacco product, vaping product, or herbal smoking product)</p>	<p><b>Section 3A amended (Purposes of this Act)</b></p> <p>After section 3A(d), insert:</p> <p>(da) to reduce access to regulated products by children and young people; and</p>
<p>Adds a new part to the legislation relating to disposable vaping products.</p>	<p><b>Section 3AA amended (Guide to this Act)</b></p> <p>After section 3AA(2), insert:</p> <p>(2A) Part 1AA prohibits the sale, manufacture, supply, and distribution of disposable vaping products.</p> <p><b>3AA Guide to this Act</b></p> <p>(1) Part 1 prohibits smoking and vaping in workplaces, certain public enclosed areas, registered schools, and early childhood education and care centres.</p> <p>(2) Part 1A prohibits smoking and vaping in vehicles carrying children.</p>





	(2A) Part 1AA prohibits the sale, manufacture, supply, and distribution of disposable vaping products.
<p>Bans the sale, manufacture, supply, or distribution of a disposable vaping product.</p> <p>Introduces fines of \$400,000 for a large retailer and \$50,000 for any other person on conviction of breaching this.</p> <p>Single use vapes were previously required to adhere to some measures for example requiring child safety mechanisms and removable batteries.</p>	<p><b>Prohibition of disposable vaping products</b></p> <p>New Part 1AA inserted</p> <p>After section 20F, insert:</p> <p><b>Part 1AA Prohibition of disposable vaping products</b></p> <p>20FA Prohibition of disposable vaping products</p> <p>(1) A person must not sell, offer for sale, manufacture, supply, or distribute a disposable vaping product.</p> <p>(2) A person who without reasonable excuse contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding,—</p> <p>(a) for a notifier or large retailer, \$400,000; and</p> <p>(b) for any other person, \$50,000.</p>
<p>Requires all new Specialist Vape Retail stores to be at least 100 metres away from a licensed early childhood service.</p> <p>This will only apply to new applications to become an SVR once the legislation has passed.</p> <p>Currently any new Specialist Vape Retail stores must be at least 300 metres away from schools and marae.</p> <p>This was previously written into the secondary legislation (regulations) but now moves to become part of the primary legislation.</p>	<p><b>Section 20P amended (Application for approval as specialist vape retailer)</b></p> <p>(1)After section 20P(2)(a), insert:</p> <p>20P Application for approval as specialist vape retailer</p> <p>(1) A person who sells vaping products from retail premises may apply to the Director-General for approval to be a specialist vape retailer in relation to specified retail premises and, if applicable, specified Internet sites.</p> <p><b>20P Application for approval as specialist vape retailer</b></p> <p>(2) The Director-General must not give a person approval to be a specialist vape retailer unless satisfied that—</p> <p>(a) the retail premises in which the vaping products are or will be sold are—</p> <p>(i) a fixed permanent structure; and</p> <p>(ii) appropriate premises from which to operate; and</p> <p>(aa) the retail premises in which the vaping products are or will be sold are—</p> <p>(i)at least 300 metres from the boundary of a registered school listed, on the date on which the application for</p>



	<p>approval is received, on an Internet site provided by the Ministry of Education; and</p> <p>(ii) at least 300 metres from the boundary of a marae listed, on the date on which the application for approval is received, on an Internet site provided by the Ministry of Māori Development—Te Puni Kōkiri; and</p> <p>(iii) at least 100 metres from the boundary of a licensed early childhood service listed, on the date on which the application for approval is received, on an Internet site provided by the Ministry of Education; and</p>
<p>Specialist vape retail applicants will be required to demonstrate their understanding of the legislation and regulations including specifically about sales to minors.</p> <p>Currently new specialist vape retail applicants are assessed by the Vaping Regulatory Authority on their understanding of the Smokefree Environments and Regulated Products Act 1990. They can have their application rejected if they don't effectively demonstrate this. That now becomes a legal requirement.</p>	<p>(2) Replace section 20P(2) (c) with:</p> <p>(c) the applicant understands its obligations under this Act (including about sales to minors); and</p> <p>(d) any requirements in regulations have been met.</p> <p><b>20P Application for approval as specialist vape retailer</b></p> <p>(1) A person who sells vaping products from retail premises may apply to the Director-General for approval to be a specialist vape retailer in relation to specified retail premises and, if applicable, specified Internet sites.</p> <p>(2) The Director-General must not give a person approval to be a specialist vape retailer unless satisfied that—</p> <p>(a) the retail premises in which the vaping products are or will be sold are—</p> <p>(i) a fixed permanent structure; and</p> <p>(ii) appropriate premises from which to operate; and</p> <p>(b) at least—</p> <p>(i) 70% of the total sales from the retail premises are or will be from the sale of vaping products; or</p> <p>(ii) 60% of the total sales from the retail premises are or will be from the sale of vaping products and the Director-General is satisfied that the lower threshold is appropriate in the circumstances; and</p> <p><del>(c) any requirements in regulations have been met.</del></p> <p>(c) the applicant understands its obligations under this Act (including about sales to minors); and</p> <p>(d) any requirements in regulations have been met.</p>
Requires persons selling notifiable products (vaping, smokeless, herbal smoking and any other regulated	<b>Section 20R amended (Obligation of person selling notifiable products)</b>



<p>products other than smoked tobacco products) to provide the name and address of each premises from which they are selling the products.</p> <p>Currently a person selling a notifiable product doesn't have to provide information in relation to where they are selling.</p>	<p>In section 20R(1), after ""selling the products"", insert ""and the name and address of each premises from which they are selling the products"".</p> <p><b>20R Obligation of person selling notifiable products</b></p> <p>(1) A person who sells notifiable products in New Zealand must notify the Director-General that they are selling the products and the name and address of each premises from which they are selling the products.</p> <p>(2) A person who sells notifiable products in New Zealand must renew their notification each year before the anniversary of their previous notification.</p> <p>(3) A notification (including a renewal of a notification) must be made on the database in accordance with requirements in regulations.</p> <p>(4) A person who, without reasonable excuse, fails to notify the Director-General that they are selling a notifiable product or fails to renew a notification commits an offence and is liable to a fine not exceeding \$5,000.</p>
<p>Increases the fine for publishing a prohibited regulated product advertisement in any other case from \$15,000 for vaping and smokeless tobacco products to \$50,000.</p>	<p><b>Section 23 amended (Publishing regulated product advertisement prohibited)</b> Replace section 23(5) (c) with: (c) in any other case, to a fine not exceeding \$50,000.</p> <p><b>23 Publishing regulated product advertisement prohibited</b></p> <p>(5) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable,—</p> <p>(a) in the case of a manufacturer, an importer, or a distributor,—</p> <p>(i) to a fine not exceeding \$600,000; but</p> <p>(ii) if the contravention relates to a vaping product or smokeless tobacco product, to a fine not exceeding \$200,000; and</p> <p>(b) in the case of a large retailer,—</p> <p>(i) to a fine not exceeding \$200,000; but</p> <p>(ii) if the contravention relates to a vaping product or smokeless tobacco product, to a fine not exceeding \$70,000; and</p> <p>(c) in any other case,—</p> <p>(i) <del>to a fine not exceeding \$50,000; but</del></p> <p>(ii) <del>if the contravention relates to a vaping product or smokeless tobacco product, to a fine not exceeding \$15,000.</del></p>



	to a fine not exceeding \$50,000.
<p>Section 24(g) (i) change removes the exemption which currently allows vaping products for sale to be displayed on the internet site of the retailer.</p> <p>Vaping products are still allowed to be displayed in-store - further clauses in the legislation do however prohibit those vaping products and their packaging being visible to the outside of the store.</p> <p>Repeals section 24(l) which is an exemption to the publishing of prohibition of regulated product advertising which currently allows Specialist Vape Retailers to 'communicate' with their 'existing customers'.</p> <p>Removing this exemption effectively bans all advertising and closes an exploited loophole especially since 'communicating' and 'existing customers' have never been defined in the legislation.</p>	<p><b>Section 24 amended (Specified publications exempt from advertising prohibition)</b></p> <p>(1) In section 24(g) (i), replace "'or on the Internet site of the retailer'" with "'of a specialist vape retailer'". (2) Repeal section 24(l).</p> <p><b>S 24 Specified publications exempt from advertising prohibition:</b></p> <p><b>(g) the following activities:</b></p> <p><b>(i) the display, in accordance with any regulations, of vaping products that are available for sale within the retail premises <del>or on the Internet site of the retailer; and</del> of a specialist vape retailer.</b></p> <p><b><del>(l) communications about vaping products made, in accordance with any regulations, by specialist vape retailers to their existing customers.</del></b></p>
<p>Still allows for retailers in response to a product request provide in the form of printed, written or spoken words and does no more than identify the regulated products available for purchase in that place and indicates their price. For</p>	<p><b>Section 25 amended (Retailers, vending machines, and Internet sellers exempt from advertising prohibition in certain circumstances)</b></p> <p><b>Repeal section 25(5).</b></p> <p><b>25 Retailers, vending machines, and Internet sellers exempt from advertising prohibition in certain circumstances</b></p>



<p>example if a customer asks about a product the retailer can provide them with an information sheet.</p> <p>Complies with any regulations, display inside that retailers place of business a notice that does no more than indicate using only printed or written words the fact that regulated products in general are available for purchase and where.</p> <p>Display the retailer's name or trade name at the outside of the retailer's place of business or on their Internet site so long as the name is not and does not include a reserved name.</p>	<p><b><i>Retailer exemption</i></b></p> <p>(1) A retailer of regulated products may do all or any of the following things:</p> <p>(a) in response to a product request, provide, inside that retailer's place of business, information (in any medium) that—</p> <p>(i) is in the form of printed, written, or spoken words; and</p> <p>(ii) does no more than identify the regulated products available for purchase in that place and indicate their price; and</p> <p>(iii) complies with any requirements in regulations:</p> <p>(b) display inside that retailer's place of business any notice for the public that—</p> <p>(i) does no more than indicate, using only printed or written words, the fact that regulated products in general are available for purchase in that place and the location or locations where they may be purchased; and</p> <p>(ii) complies with any requirements in regulations:</p> <p>(c) display the retailer's name or trade name at the outside of the retailer's place of business or on their Internet site so long as the name is not and does not include a reserved name.</p> <p><b><i>Internet-seller exemption</i></b></p> <p>(4) A person who offers regulated products for Internet sale (whether by retail or wholesale) may, in response to a product request, allow to be visible on the person's Internet site when people browse, enter, or otherwise access the site, information that—</p> <p>(a) is in the form of printed or written words; and</p> <p>(b) does no more than identify the regulated product and indicate its price; and</p> <p>(c) complies with any requirements in regulations.</p> <p><del>(5) Subsections (1)(a) and (b) and (4) do not limit the exemption in section 24(g) relating to the display of, and provision of information relating to, vaping products:</del></p>
<p>Still allows for the free distribution of regulated products, but inserts a new condition that free distribution of disposable vapes is prohibited.</p>	<p><b>Section 33 amended (Free distribution of regulated product prohibited)</b></p> <p>In section 33(4), after ""approved Internet site."" , insert ""However, see section 20FA, which prohibits the sale, manufacture, supply, and distribution of disposable vaping products.""</p>





	<p><b>33 Free distribution of regulated product prohibited</b></p> <p>(4) Subsection (2) does not apply to the supply of vaping products by a specialist vape retailer from their approved vaping premises or approved Internet site. However, see section 20FA, which prohibits the sale, manufacture, supply, and distribution of disposable vaping products.</p>
<p>Introduces a new measure which stops vaping products or their packaging from being allowed to be visible from outside of the business selling them.</p> <p>Vapes will still be allowed to be visible inside of the business.</p> <p>Increased the fine for breaching this from \$10,000 to \$50,000.</p>	<p><b>Section 37 amended (Regulated product (other than vaping product) must not be visible from place of business)</b></p> <p>(1) In the heading to section 37, delete ""(other than vaping product)"".</p> <p>(2) In section 37(1), delete ""other than a vaping product"".</p> <p>(3) After section 37(3), insert:</p> <p>(3A) Subsection (1)(b) does not apply to a specialist vape retailer.</p> <p>(4) In section 37(4), replace ""\$10,000"" with ""\$50,000"".</p> <p><b>37 Regulated product (other than vaping product) must not be visible from place of business</b></p> <p>(1) A person who offers a regulated product <del>other than a vaping product</del> for sale (whether by retail or wholesale) must not allow any part of the regulated product or its package—</p> <p>(a) to be visible from outside the person's place of business; or</p> <p>(b) to be visible from an area inside the person's place of business to which members of the public are allowed access.</p> <p>(3) Subsection (1) does not apply to a regulated product or package that is visible in a way that complies with any relevant temporary transitional exemption regulations in force under section 81(1)(14).</p> <p>(3A) Subsection (1)(b) does not apply to a specialist vape retailer.</p> <p>(4) A person who, without reasonable excuse, contravenes subsection (1) commits an offence and is liable to a fine not exceeding <del>\$10,000</del> \$50,000.</p>



<p>Increases the fines for the sale and delivery of a regulated product including vapes to under 18s from \$10,000 to \$100,000 for a company (body corporate) and from \$5,000 to \$10,000 for an individual.</p>	<p><b>Section 40 amended (Sale and delivery of regulated product to people younger than 18 years prohibited)</b></p> <p>(1) In section 40(2)(a), replace "\$10,000" with "\$100,000".</p> <p>(2) In section 40(2)(b), replace "\$5,000" with "\$10,000".</p> <p><b>40 Sale and delivery of regulated product to people younger than 18 years prohibited</b></p> <p>(2) A person who contravenes subsection (1)(a) or (b) commits an offence and is liable,—</p> <p>(a) in the case of a body corporate, to a fine not exceeding <del>\$10,000</del>; \$100,000 and</p> <p>(b) in any other case, to a fine not exceeding <del>\$5,000</del>. \$10,000.</p>
<p>Removes the ability of a vaping product and or its packaging to be visible from outside of an automatic vending machine.</p>	<p><b>Section 46 amended (Regulated product (other than vaping product) must not be visible from outside automatic vending machines)</b></p> <p>(1) In the heading to section 46, delete "(other than vaping product)".</p> <p>(2) In section 46(1), delete "other than a vaping product".</p> <p><b>46 Regulated product <del>(other than vaping product)</del> must not be visible from outside automatic vending machines.</b></p> <p>(1) A person who offers a regulated product <del>other than a vaping product for sale</del> by way of an automatic vending machine must not allow any part of the regulated product or its package to be visible from outside the machine.</p>
<p>Adds an additional requirement for products needing to comply with any applicable requirements in the Act or regulations.</p>	<p><b>Section 60 amended (Notifier must not sell product unless it has been notified)</b></p> <p>After section 60(1)(b), insert:</p> <p>(c) complies with any applicable requirements in this Act or regulations.</p> <p><b>60 Notifier must not sell product unless it has been notified</b></p> <p>(1) A notifier of a notifiable product must not sell the product in New Zealand unless it—</p> <p>(a) has been notified in accordance with this Part; and</p> <p>(b) complies with product safety requirements.</p> <p>(c) complies with any applicable requirements in this Act or regulations.</p>



<p>Clarifies wording ensuring all products comply with applicable requirements in the Act and regulations before being notified.</p>	<p><b>Section 62 replaced (Pre-notification requirements)</b>  <b>Replace section 62 with:</b>          62 Pre-notification requirements          Before notifying a notifiable product that is intended for sale in New Zealand, the notifier must ensure that the product complies with any applicable requirements in this Act or regulations.</p> <p><b>62 Pre-notification requirements</b>  <del>Before notifying a notifiable product that is intended for sale in New Zealand, the notifier must ensure that the product complies with—</del>  <del>(a) product safety requirements; and</del>  <del>(b) sections 68 and 69; and</del>  <del>(c) any applicable requirements in regulations.</del>          Before notifying a notifiable product that is intended for sale in New Zealand, the notifier must ensure that the product complies with any applicable requirements in this Act or regulations.</p>
	<p><b>Section 65 amended (Obligations of retailers)</b>          After section 65(1)(e), insert:          (f) unless it complies with any applicable requirements in this Act or regulations.</p> <p><b>65 Obligations of retailers</b>          (1) A retailer must not sell or supply a notifiable product in New Zealand—          (a) unless it has been notified in accordance with this Part; or          (b) that does not comply with product safety requirements; or          (c) for which notification has been cancelled or suspended; or          (d) whose notification has been expired for more than 3 months; or          (e) that has been recalled under section 73.          (f) unless it complies with any applicable requirements in this Act or regulations.</p>
<p>Gives the Director-General additional powers to suspend a products notification if there is a belief that the product does not comply with any applicable</p>	<p><b>Section 74 amended (Director-General may suspend product notification)</b>  <b>After section 74(1)(d), insert:</b>          (e) the Director-General has reasonable grounds to believe that the product does not comply with any applicable requirements in this Act or regulations.</p>



<p>requirements in this Act or regulations.</p>	<p><b>74 Director-General may suspend product notification</b></p> <p>(1) The Director-General may suspend a product notification of a notifiable product for 1 month if—</p> <p>(a) the Director-General has reasonable grounds to believe that the continued availability of a notifiable product poses an unacceptable risk of harm to people; or</p> <p>(b) the Director-General has reasonable grounds to believe the notifier has provided false, misleading, or incomplete information in the product notification or in response to a requirement under section 71; or</p> <p>(c) the Director-General has reasonable grounds for concern because of new information about the safety of the product; or</p> <p>(d) the Director-General has reasonable grounds to believe that the product contains a prohibited substance, a prohibited flavour, or a colouring substance, or contains a substance that exceeds any maximum limit.</p> <p>(e) the Director-General has reasonable grounds to believe that the product does not comply with any applicable requirements in this Act or regulations.</p>
<p>Gives the Director-General additional powers to cancel a product's notification if there is a belief that the product does not comply with any applicable requirements in this Act or regulations.</p>	<p><b>Section 75 amended (Cancellation of product notification)</b></p> <p><b>After section 75(1)(d), insert:</b></p> <p>(e) the Director-General has reasonable grounds to believe that the product does not comply with any applicable requirements in this Act or regulations.</p> <p><b>75 Cancellation of product notification</b></p> <p>(1) The Director-General may cancel a product notification of a notifiable product without any prior suspension if—</p> <p>(a) the Director-General has reasonable grounds to believe that the continued availability of the product poses an unacceptable risk of harm to people; or</p> <p>(b) the Director-General has reasonable grounds to believe the notifier has provided false, misleading, or incomplete information in the product notification or in response to a requirement under section 71; or</p> <p>(c) the Director-General has reasonable grounds for concern because of new information about the safety of the product; or</p> <p>(d) the Director-General has reasonable grounds to believe that the product contains a prohibited substance, a prohibited flavour, or a colouring substance, or contains a substance that exceeds any maximum limit.</p>



	(e) the Director-General has reasonable grounds to believe that the product does not comply with any applicable requirements in this Act or regulations.
<p>Removed various offences: 37(4), a vaping product is visible from outside a place of business, \$10,000 fine.</p> <p>40(2), sale of regulated product to under 18, 10k fine or \$5k fine removed as being infringement offences.</p> <p>20R(4) fine of \$5,000 for selling a product not notified</p> <p>20S(4) fine of \$5,000 for a distributor selling a smoked tobacco product without notifying the DG.</p> <p>This due to new offences/fines being added elsewhere.</p>	<p><b>Section 87 amended (Infringement offences)</b></p> <p>(1) In section 87, definition of infringement fee, paragraph (b), delete ""37(4), 40(2),"".</p> <p>(2) In section 87, definition of infringement fee, paragraph (c), replace ""\$500"" with ""means \$500; and"".</p> <p>(3) In section 87, definition of infringement fee, after paragraph (c), insert:</p> <p>(d) in relation to an infringement offence against section 20FA, 23(5), or 37(4), means \$2,000; and</p> <p>(e) in relation to an infringement offence against section 40(2), means—</p> <p>(i) \$2,000 in the case of a manufacturer, an importer, a distributor, or a retailer; or</p> <p>(ii) \$1,000 in any other case</p> <p>(4) In section 87, definition of infringement offence, replace ""sections 20R(4), 20S(4),"" with ""sections 20FA(2), 20R(4), 20S(4), 23(5),"".</p> <p>(5) In section 87, definition of infringement offence, replace ""43(4),"" with ""43(3),"".</p> <p><b>87 Infringement offences</b></p> <p><b>In this subpart,—</b></p> <p><b>infringement fee,—</b></p> <p>(a) in relation to an infringement offence against any of sections 38(3), 39(3), 42(2), 43(4), 44(4), 47(4), and 53(4) or section 41(2) (to the extent that it relates to regulated products other than tobacco products), means \$200; and</p> <p>(b) in relation to an infringement offence against any of sections 34(4), 36(5), <del>37(4)</del>, <del>40(2)</del>, 46(3), and 54(4) or section 41(2) (to the extent that it relates to tobacco products), means—</p> <p>(i) \$1,000, in the case of a manufacturer, an importer, or a distributor; or</p> <p>(ii) \$500; and</p> <p>(c) in relation to an infringement offence against section 20R(4) or 20S(4), <del>\$500</del> means \$500; and infringement offence means an offence against any of sections <del>20R(4)</del>, <del>20S(4)</del>, 20FA(2), 20R(4), 20S(4), 23(5), 34(4), 36(5), 37(4), 38(3), 39(3), 40(2), 41(2), 42(2), <del>43(4)</del>, 43(3), 44(4), 46(3), 47(4), 53(4), and 54(4).</p> <p>(d) in relation to an infringement offence against section 20FA, 23(5), or 37(4), means \$2,000; and</p>





	<p>(e) in relation to an infringement offence against section 40(2), means—</p> <p>(i) \$2,000 in the case of a manufacturer, an importer, a distributor, or a retailer; or</p> <p>(ii) \$1,000 in any other case</p>
20FA prohibition of sale, manufacture, supply or distribution of a disposable vaping product added to liability action of employee section.	<p><b>Section 90A amended (Liability for action of employee)</b></p> <p>In section 90A(1), after ““against section””, insert ““20FA,””.</p> <p><b>90A Liability for action of employee</b></p> <p>(1) This section applies to an offence against section 20FA, 40(2), 43(3), 44(4), 57F(2), 57H(6), or 69B(7).</p> <p>(2) Anything done by a person (A) as the employee of another person (B) is, for the purposes of an offence, to be treated as done by B as well as by A, whether or not it was done with B’s knowledge or approval.</p> <p>(3) Anything done by a person (A) as the agent of another person (B) is, for the purposes of an offence, to be treated as done by B as well as by A, unless it is done without B’s express or implied authority, given before or after the action.</p>
Provides enforcement officers with additional powers to require date of birth, as well as name and address.	<p><b>Section 94 amended (Enforcement officer may require identifying information)</b></p> <p>In section 94(2)(b)(i), replace ““name and address”” with ““name, address, and date of birth””.</p> <p><b>94 Enforcement officer may require identifying information</b></p> <p>(2) The enforcement officer may—</p> <p>(a) require the person that the officer believes on reasonable grounds to have sold, delivered, or arranged for the delivery of the regulated product to, while the person is at the place where the regulated product was sold, give the officer their name and address; and</p> <p>(b) require the person who appears to be in charge of that place, or part of that place, to give the officer—</p> <p>(i) <del>the name and address of the person described in paragraph</del> name, address, and date of birth. (a); or</p> <p>(ii) if that information is not within the person’s knowledge, the name or any other identifying information within the person’s knowledge relating to the person described in paragraph (a).</p>



Amendments to Smokefree Environments and Regulated Products Regulations 2021	<b>Principal regulations</b>  <b>This Part amends the <a href="#">Smokefree Environments and Regulated Products Regulations 2021</a>.</b>
Removes the definition for reusable vaping device and single-use vaping device as a new definition for disposable vaping device has been added to s 2 in the primary legislation.	<b>Regulation 3 amended (Interpretation)</b> In regulation 3, revoke the definitions of reusable vaping device and single-use vaping device. <b>3 Interpretation</b> <del>reusable vaping device means a vaping device other than a single-use vaping device</del> <del>single-use vaping device means a vaping device that is pre-filled with a vaping substance or heated tobacco product and that is not designed to be refilled once used</del>
Regulated products including vapes, now, when offered for sale online can only provide information in the form of printed or handwritten words in black on a white background. The information must be limited to the brand of regulated product, the variant name, the amount or quantity or size, and the price; and in the form of printed or handwritten black lettering that is not larger than Helvetica typeface 16 pt.	<b>Regulation 57 amended (How information about tobacco products offered for Internet sale must be provided)</b> (1) In the heading to regulation 57, replace "'tobacco products'" with "'regulated products'". (2) In section 57(1), replace "'tobacco products'" with "'regulated products'". (3) In section 57(4)(a), replace "'tobacco product, the variant'" with "'regulated product, the variant name'". (4) In section 57(5), replace "'At the top'" with "'If the Internet site contains information about tobacco products, at the top'". (5) In section 57(6), replace "'At the bottom'" with "'If the Internet site contains information about tobacco products, at the bottom'".  <b>57 How information about <del>tobacco products</del> regulated products offered for Internet sale must be provided</b> (1) This regulation applies to information that a person who offers <del>tobacco products</del> regulated products for Internet sale may, for the purpose of the exemption in section 25(4) of the Act, allow to be visible on their Internet site in response to a product request. (2) The information, which is limited by section 25(4)(b) of the Act, must— (a) be provided in a way that is printable but not editable; and (b) when displayed, comply with the requirements of subclauses (3) to (6).



	<p>(3) The information must be in the form of printed or handwritten words in black on a white background.</p> <p>(4) The information must be—</p> <p>(a) limited to the brand of <del>tobacco product</del> the variant regulated product, the variant name, the amount or quantity or size, and the price; and</p> <p>(b) in the form of printed or handwritten black lettering that is not larger than Helvetica typeface 16 pt.</p> <p>(5) If the Internet site contains information about tobacco products, at the top and bottom of each page containing the product and price information, there must be a health warning—</p> <p>(a) that says— "SMOKING KILLS Ka mate koe i te kai hikareti":</p> <p>(b) the first line of which must not be smaller than Helvetica typeface 70 pt:</p> <p>(c) the second line of which must not be smaller than Helvetica typeface 40 pt.</p> <p>(6) If the Internet site contains information about tobacco products, at the bottom of each page, below the health warning, there must be the following information, which must not be smaller than Helvetica typeface 22 pt: "No sales to persons under the age of 18".</p>
Removal of requirements for approval as a Specialist Vape Retailer to be 300m from a school or marae as this has been added to the primary legislation with the addition of the 100m ECE requirement (s 20P (2) (a))	<p><b>Part 6B revoked</b></p> <p>Revoke Part 6B.</p> <p><b>Requirements for approval as specialist vape retailer</b> 80E Requirements for approval as specialist vape retailer</p> <p>(1) In determining whether to grant an application for approval as a specialist vape retailer, the Director-General must be satisfied that—</p> <p>(a) the applicant understands its obligations under the Act (including in regard to sales to minors); and</p> <p>(b) the retail premises are—</p> <p>(i) at least 300 metres from the location point of a registered school listed on the Ministry of Education Internet site; and</p> <p>(ii) at least 300 metres from a marae listed on the Ministry of Māori Development—Te Puni Kōkiri Internet site.</p> <p>(2) Subclause (1) applies only to a registered school or marae that is listed on the relevant Internet site on the</p>



	date on which an application for approval as a specialist vape retailer is received.
	<p><b>Schedule 5 amended</b></p> <p>(1) In Schedule 5, Part 1, revoke clause 1A.</p> <p>(2) In Schedule 5, Part 1, clause 14, delete "'and is intended for use in a reusable vaping device'".</p> <p>(3) In Schedule 5, Part 2, revoke clause 24A.</p> <p><b>Part 1 Vaping substances</b></p> <p><b>Labelling</b></p> <p>1 The labels of vaping substance containers must include the following information:</p> <p><del>(a) safety of use instructions (including storage, refilling, and disposal):</del></p> <p><del>14 For a vaping substance that contains nicotine only in salt form and is intended for use in a reusable vaping device, the concentration of nicotine must not exceed 28.5 mg/mL.</del></p> <p><del>24A A single-use vaping device must display overall nicotine strength on its product label in mg/mL.</del></p>