

House of Representatives

# Supplementary Order Paper

Tuesday, 6 December 2022

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

*Proposed amendment*

Dr Shane Reti, in Committee, to move the following amendment:

*Clause 13*

In *clause 13*, new section 20P(3), after *paragraph (b)* (page 15, after line 37), insert:

- (ba) the proximity of the retail premises to other approved specialist vape retailers; and

**Explanatory note**

This Supplementary Order Paper (SOP) amends the Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill. It addresses concerns about large numbers of specialist vaping retailers clustering together in close proximity to each other and their potential impact on underage vaping especially. In July 2022, Local Government New Zealand’s member councils passed a remit, proposed by Kaipara District Council, that called for the retail availability of vapes to be limited to specialist stores and for proximity restrictions. At that time Kaipara Mayor Dr Jason Smith said “Without these measures in place, we could end up with more situations like the one in Dargaville, whose main street has 13 places where people can buy vapes. This includes 3 specialist vape stores within 150 metres of each other”.<sup>1</sup>

Vaping is an important vehicle for smoking reduction; however, there are widespread community concerns, including from parents and schools, around the significant

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<sup>1</sup> Local Government New Zealand, *LGNZ calls for a dramatic reduction in vape stores*, 28 July 2022, <https://www.lgnz.co.nz/news-and-media/2022-media-releases/lgnz-calls-for-a-dramatic-reduction-in-vape-stores/>

**Proposed amendments to  
Smokefree Environments and Regulated Products  
(Smoked Tobacco) Amendment Bill**

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SOP No 312

increase in underage vaping. The concern is that large numbers of specialist vape stores in close proximity unnecessarily contribute to underage vaping, and that the same overall smoking reduction benefits could be achieved without proximity clustering. To date there is little evidence for market forces correction.

This SOP provides a mechanism for the Director-General of Health to have regard to the proximity of other specialist vape retailers when granting approval to new specialist vape retailers. It addresses the concerns of local bodies for greater regulatory control as well as the concerns of parents, schools, and the community to better manage the significant increase in underage vaping.