NOTIFICATION

Addendum

The following communication, dated 30 April 2024, is being circulated at the request of the delegation of New Zealand.

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**Title:** The Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document - [Proposals for the Smoked Tobacco Regulatory Regime – Public Consultation Document (health.govt.nz)](https://consult.health.govt.nz/tobacco-control/proposals-for-the-smoked-tobacco-regulato/supporting_documents/Proposals%20for%20regulation%20%20Smokefree%20Environments%20and%20Regulated%20Products%20Act%201990%20%2022%20Dec%20final.pdf)

The Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 - [Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act 2022 No 79, Public Act Contents – New Zealand Legislation](https://www.legislation.govt.nz/act/public/2022/0079/latest/LMS708154.html)

The Smokefree Environments and Regulated Products Regulations 2021 - [Smokefree Environments and Regulated Products Regulations 2021 (LI 2021/204) Contents – New Zealand Legislation](https://www.legislation.govt.nz/regulation/public/2021/0204/latest/LMS524981.html?search=qs_act%40bill%40regulation%40deemedreg_smokefree_resel_25_h&p=1&sr=1)

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| **Reason for Addendum:** | |
| [ ] | Comment period changed - date: |
| [ ] | Notified measure adopted - date: |
| [X] | Notified measure published - date: 21 August 2023 |
| [X] | Notified measure enters into force - date: The notified measure has applied on and from 21 October 2023 to all new product notifications for single-use and reusable vaping devices.  The notified measure has been deferred until 1 October 2024, in respect of its application to existing reusable vaping products notified to the New Zealand Vaping Regulatory Authority before 21 October 2023.  The deferment covers the requirement to have removeable batteries and a child safety mechanism only. |
| [X] | Text of final measure available from[[1]](#footnote-1):  Smokefree Environments and Regulated Products Regulations 2021:  <https://www.legislation.govt.nz/regulation/public/2021/0204/latest/whole.html>  Smokefree Environments and Regulated Products Amendment Regulations 2024: <https://www.legislation.govt.nz/regulation/public/2024/0019/latest/LMS945673.html#LMS945672> |
| [ ] | Notified measure withdrawn or revoked - date:  Relevant symbol if measure re-notified: |
| [ ] | Content or scope of notified measure changed and text available from1:  New deadline for comments (if applicable): |
| [X] | Interpretive guidance issued and text available from1:  On the Ministry of Health website under Information for manufacturers and importers (notifiers)  <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/vaping-herbal-smoking-and-smokeless-tobacco-products-regulation/information-manufacturers-and-importers-notifiers> |
| [ ] | Other: |

**Description:** The Smokefree Environments and Regulated Products Amendment Regulations 2023 amended the [Smokefree Environments and Regulated Products Regulations 2021](https://www.legislation.govt.nz/regulation/public/2024/0019/latest/link.aspx?id=LMS524980) (the principal regulations) to put new product safety requirements in place for vaping products.

These included requirements that, from 21 March 2024, all reusable vaping products:

* have a *child safety mechanism* to prevent it from being activated or accidentally operated by a child; and
* have a *removable battery.*

However, the above two requirements to have *removable batteries* and *child safety mechanisms* that was originally to apply to all reusable vaping devices from 21 March 2024, has been deferred.

The deferral was given effect to through the Smokefree Environments and Regulated Products Amendment Regulations 2024, which came into force on 20 March 2024, and amended the principal regulations.

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1. This information can be provided by including a website address, a pdf attachment, or other information on where the text of the final/modified measure and/or interpretive guidance can be obtained. [↑](#footnote-ref-1)