



Smokefree Environments and Regulated Products Regulations 2021

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of August 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 81 to 85 of the Smokefree Environments and Regulated Products Act 1990 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Smokefree Environments and Regulated Products Regulations 2021.

2 Commencement

These regulations come into force on 11 August 2021.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Smokefree Environments and Regulated Products Act 1990

brand name, in relation to a particular regulated product, means the primary name by which the product is marketed

carton means a package comprising 2 or more packs

cigar means a tobacco product that—

- (a) comprises a roll of tobacco leaf or cut tobacco enclosed in intact (not reconstituted) tobacco leaves; and
- (b) to avoid doubt, has no filter tip

cigar package means a package containing 1 or more cigars

cigar tube means a tube for packaging 1 cigar

cigarette—

- (a) means a tobacco product comprising a roll of cut tobacco enclosed in paper; and
- (b) does not include a cigarillo except as provided in regulation 46

cylindrical means having a circular or elliptical cross-section

displayed, in relation to any package, face, or flap, means displayed on the outside of the package, face, or flap

face, in relation to a package, means a more or less flat area of the surface of the package that is bounded by the edges of the package

flip-top pack means a package of the kind commonly called a flip-top pack, a hinge-top pack, or a hinge-lid box

graphic means a colour graphic set out in the fifth column of Part 1 of Schedule 2 or the fourth column of Part 2 of that schedule

insert means any thing that is placed inside a package, other than—

- (a) a regulated product; or
- (b) the lining of a pack of cigarettes that complies with regulation 52

loose tobacco means tobacco prepared for smoking in hand-rolled cigarettes

pack means a package of regulated products intended for sale as a single unit, but does not include a carton

part of a required message means, in relation to a package, any warning, explanatory note, you can quit statement, or graphic that forms part of the required message

pouch pack means a package made, from flexible material, in the form of a rectangular pocket with a flap covering the opening

Quitline logo means the logo set out in Part 3 of Schedule 2

rectangular includes square

required message means the message required to be displayed on a tobacco package by subpart 1 of Part 1

reserved area means, in relation to a surface of a package, an area no less than 32% of the total area of that surface, calculated when the package is closed

sides, in relation to a pack of cigarettes, means the surfaces of the pack, except the front and back faces, that are vertical when it is held so that the axis of the cigarettes within it is vertical

smokeless tobacco package means a tobacco package containing a smokeless tobacco product or smokeless tobacco products

soft pack means a package of the kind commonly called a soft package or a soft cup

standardised type means, in relation to a text, type that—

- (a) is clear and legible; and
- (b) is of the same size throughout the text; and
- (c) is of such a size that the text, as nearly as possible, fills the background on which it is printed

vaping product package means a package containing a vaping product or vaping products

variant name, in relation to a regulated product, means the name used to distinguish that regulated product from other regulated products of the same brand name

wrapper means a wrapping containing 1 pack or 1 carton

you can quit statement means the statement “You *can* quit smoking”.

4 Labels, stickers, and wrappers

- (1) A label or sticker that is securely attached to a pack or a carton is, unless these regulations provide otherwise, part of the pack or carton.
- (2) A wrapper that contains a single package and is normally removed from the package when the package is opened is not part of the package.

Compare: LI 2017/123 r 4

5 Shapes and areas

For the purposes of these regulations,—

- (a) in determining the shape of, or the surface area of any part of, a package,—
 - (i) the package must be considered when it is closed; and
 - (ii) all edges, gaps, and openings that appear when it is opened must be disregarded:
- (b) a face of a package—
 - (i) has a **portrait orientation** if, when the largest brand name on the face is horizontal, the longest edge of the face is vertical:
 - (ii) has a **landscape orientation** if, when the largest brand name on the face is horizontal, the longest edge of the face is horizontal.

Compare: LI 2017/123 r 5

6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

7 Overview of these regulations

- (1) The following is an overview of these regulations:
 - (a) Part 1 provides for messages to be displayed on tobacco packages (except smokeless tobacco packages):
 - (b) Part 2 specifies requirements for the purposes of standardising tobacco products and tobacco packages (except smokeless tobacco products and packages):
 - (c) Part 3 relates to information about tobacco products provided by retailers and manufacturers, and the testing of manufactured cigarettes:
 - (d) Part 4 specifies requirements that apply to smokeless tobacco products only:
 - (e) Part 5 specifies requirements that apply to vaping products only:
 - (f) Part 6 specifies information that a notifier must provide when notifying a product and specifies product safety requirements:
 - (g) Part 7 relates to general matters.

- (2) This regulation is intended only as a guide to the general scheme and effect of these regulations.

Part 1

Message required to be displayed on tobacco packages except smokeless tobacco packages

8 Application of this Part

This Part applies to tobacco packages other than smokeless tobacco packages.

Subpart 1—Content of message

Cigarette packs and cartons

9 Message to be displayed on cigarette packs and cartons

- (1) A cigarette pack or carton must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
- (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on one side; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
- (a) the specifications and layout for that tobacco package as described in—
 - (i) item 1 of Part 1 of Schedule 3 for cigarette packs; or
 - (ii) item 2 or 3 (as applicable) of Part 1 of Schedule 3 for cigarette cartons; and
 - (b) the requirements of this Part.

Compare: LI 2017/123 r 8

Loose tobacco

10 Message to be displayed on packages of loose tobacco

- (1) A tobacco package containing loose tobacco must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—

- (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on the inside flap; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
 - (a) the specifications and layout for that tobacco package as described in item 1 of Part 2 of Schedule 3; and
 - (b) the requirements of this Part.

Compare: LI 2017/123 r 9

Pipe tobacco

11 Message to be displayed on packages of pipe tobacco

- (1) A tobacco package containing pipe tobacco must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
 - (a) a first warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed on the outer surface of the base of the package; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—
 - (a) the specifications and layout for that tobacco package as described in Part 3 of Schedule 3; and
 - (b) the requirements of this Part.

Compare: LI 2017/123 r 10

Cigars

12 Message to be displayed on cigar packages (other than cigar tubes)

- (1) A cigar package other than a cigar tube must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 2 of Schedule 2.
- (3) The message comprises—

- (a) a warning to be displayed on the front face in English and te reo Māori and on the back face in English; and
 - (b) an explanatory note to be displayed on the back face; and
 - (c) a graphic to be displayed on the front face.
- (4) The message must be displayed in accordance with—
 - (a) the specifications and layout described in any of items 1 to 6 of Part 4 of Schedule 3 that apply to the cigar package; and
 - (b) the requirements of this Part.

Compare: LI 2017/123 r 11

13 Message to be displayed on cigar tubes

- (1) A cigar tube must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 2 of Schedule 2, but does not include an explanatory note or a graphic.
- (3) The message comprises a warning in English and te reo Māori.
- (4) The message must be displayed in accordance with—
 - (a) the specifications described in item 7 of Part 4 of Schedule 3; and
 - (b) the requirements of this Part.

Compare: LI 2017/123 r 12

Other tobacco products

14 Message to be displayed on tobacco packages containing other tobacco products

- (1) A tobacco package containing a tobacco product other than a cigarette, a cigar, or loose or pipe tobacco must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be an item set out in Part 1 of Schedule 2.
- (3) The message comprises—
 - (a) a warning to be displayed on the front face in English and on the back face in English and te reo Māori; and
 - (b) a second warning to be displayed (as applicable) on the side, inside flap, or outer surface of the base of the package; and
 - (c) an explanatory note followed by a you can quit statement to be displayed on the back face; and
 - (d) a graphic to be displayed on the front face and back face.
- (4) The message must be displayed in accordance with—

- (a) the specifications and layout described in one of the following items that best reflects the shape of the tobacco package:
 - (i) item 1 of Part 1 of Schedule 3;
 - (ii) item 1 of Part 2 of Schedule 3;
 - (iii) item 1 or 2 of Part 3 of Schedule 3; and
 - (b) the requirements of this Part.
- (5) If item 1 of Part 1 of Schedule 3 best describes the shape of the tobacco package, the definition of sides in regulation 3 applies to the tobacco package with all necessary modifications.

Compare: LI 2017/123 r 13

Subpart 2—Display of required message on tobacco packages containing tobacco products other than cigars

15 Application of this subpart

This subpart applies to tobacco packages containing tobacco products other than cigars.

16 How first warning must be displayed

- (1) This regulation applies to the first warning that must be displayed on—
 - (a) the front face of a tobacco package in English; and
 - (b) the back face of that package in English and te reo Māori.
- (2) The warning on the front face must—
 - (a) be in bold type in black letters on a yellow background; and
 - (b) be in standardised type; and
 - (c) if required, be within a black rectangular border (up to 0.3 mm wide) to prevent printing colour bleeds.
- (3) The warning on the back face must,—
 - (a) for the English element of the warning,—
 - (i) be in bold type in black letters on a yellow background; and
 - (ii) comprise the top 50% of the warning; and
 - (b) for the te reo Māori element of the warning,—
 - (i) be in bold type in white letters on a black background; and
 - (ii) comprise the bottom 50% of the warning; and
 - (c) be in standardised type, except that the English element of the warning and the te reo Māori element of the warning may each be of a different point size.

Compare: LI 2017/123 r 15

17 How second warning must be displayed

The second warning that must be displayed on one side, the inside flap, or the base of a tobacco package must be—

- (a) in black letters on a yellow background; and
- (b) in standardised type, except that the word “WARNING” may have a different point size from the rest of the text.

Compare: LI 2017/123 r 16

18 Explanatory note

The explanatory note that must be displayed on the back face of a tobacco package must—

- (a) be in black letters on a yellow background, except for the Quitline logo and the sentence referred to in paragraph (b); and
- (b) for the sentence “For support to quit call 0800 778 778 or visit www.quit.org.nz”, be in black letters on a white background; and
- (c) be in standardised type, except for the Quitline logo.

Compare: LI 2017/123 r 17

19 You can quit statement

The you can quit statement that must be displayed (after the explanatory note) on the back face of a tobacco package must—

- (a) be in Pantone Cool Gray 2C letters on a matt Pantone 448C background; and
- (b) be in standardised type.

Compare: LI 2017/123 r 18

Subpart 3—Display of required message on cigar packages**20 Warning on front face**

The warning in English and te reo Māori that must be displayed on the front face of a cigar package must—

- (a) be in bold type in black letters on a yellow background for the English element of the warning; and
- (b) be in bold type in white letters on a black background for the te reo Māori element of the warning; and
- (c) be in Lucida Sans typeface; and
- (d) be in standardised type; and
- (e) if required, be within a black rectangular border (up to 0.3 mm wide) to prevent printing colour bleeds.

Compare: LI 2017/123 r 19

21 Warning on back face

The warning that must be displayed on the back face of a cigar package, other than a cigar tube, must—

- (a) be in bold type in black letters on a yellow background; and
- (b) be in Lucida Sans typeface; and
- (c) be in standardised type.

Compare: LI 2017/123 r 20

22 Explanatory note

The explanatory note that must be displayed on the back face of a cigar package, other than a cigar tube, must—

- (a) be in black letters on a yellow background, except for the Quitline logo and the sentence referred to in paragraph (b); and
- (b) for the sentence “For support to quit call 0800 778 778 or visit www.quit.org.nz”, be in black letters on a white background; and
- (c) be in Lucida Sans typeface; and
- (d) be in standardised type, except for the Quitline logo.

Compare: LI 2017/123 r 21

**Subpart 4—Other requirements relating to display of required message
on tobacco packages**

23 Text of required message must match case

The text of any part of a required message displayed on a tobacco package must, unless these regulations provide otherwise, match the upper-case and lower-case letters of the corresponding text set out in Schedule 2.

Compare: LI 2017/123 r 22

24 Graphic must not be distorted except in certain circumstances

- (1) A graphic that is part of a required message must not be distorted except as permitted by subclause (2) or (3).
- (2) A graphic may be cropped if—
 - (a) it is necessary to do so to fit the graphic onto the package; and
 - (b) the overall effect of the graphic is not affected by the cropping.
- (3) If a graphic contains an overlay of a message in text, the overlay may be placed in a different position only if—
 - (a) the overlay is completely contained within the graphic; and
 - (b) the overall effect of the graphic is not affected by the new position of the overlay.

Compare: LI 2017/123 r 23

25 Required message must remain readable when package opened in normal way

- (1) A required message on a tobacco package or any part of a required message must not be likely to be obliterated, removed, or rendered permanently unreadable when the package is opened in the normal way.
- (2) This regulation does not apply to cartons.

Compare: LI 2017/123 r 24

26 Display of required message on adhesive labels for tobacco packages containing tobacco products other than cigarettes

- (1) This regulation applies to a tobacco package containing a tobacco product other than cigarettes.
- (2) A tobacco package may have 1 or more adhesive labels affixed to it to display a required message or part of a required message.
- (3) The adhesive label must be—
 - (a) affixed to the surface of the package on which the required message or part of the required message must be displayed; and
 - (b) fastened firmly to the package so as not to be easily removable without significant destruction of the package.

Compare: LI 2017/123 r 25

Subpart 5—Rotation of required messages*Tobacco products other than cigars***27 Rotation of required messages on packages containing tobacco products other than cigars**

- (1) This regulation applies to a person who—
 - (a) manufactures tobacco packages for tobacco products other than cigars; or
 - (b) imports those tobacco packages; or
 - (c) packages, or arranges for the packaging of, those tobacco products.
- (2) A person to whom this regulation applies must, in relation to the specified periods,—
 - (a) print the relevant required messages on the tobacco packages (or ensure that they are printed on the tobacco packages); and
 - (b) ensure that, during those specified periods, each relevant required message appears as nearly as possible on an equal number of tobacco packages of each different brand of the tobacco product (for example, each different brand of cigarettes or loose tobacco).
- (3) The relevant required messages and specified periods are—

- (a) the required messages set out in items 1 to 7 of Part 1 of Schedule 2 for the period of 16 months beginning on 1 February 2022 or any later even-numbered year:
 - (b) the required messages set out in items 8 to 14 of Part 1 of Schedule 2 for—
 - (i) the period beginning on 11 August 2021 and ending on 31 May 2022:
 - (ii) the period of 16 months beginning on 1 February 2023 or any later odd-numbered year.
- (4) For the purposes of subclause (2)(b), tobacco products (for example, cigarettes) are of a **different brand** if—
 - (a) they are sold under different brand names; or
 - (b) they are sold under the same brand name, but differ in 1 or more of the following ways:
 - (i) containing or not containing menthol:
 - (ii) being otherwise differently flavoured:
 - (iii) producing different quantities of tar:
 - (iv) having or not having filter tips or cork tips:
 - (v) being sold in tobacco packages containing different numbers of pieces:
 - (vi) being of different length or mass.

Compare: LI 2017/123 r 26

28 Changeover of required messages: tobacco packages containing tobacco products other than cigars

- (1) In the period of 4 months beginning on 1 February in 2022 or any later year, a tobacco package containing a tobacco product other than cigars may display the required message set out in any of items 1 to 14 of Part 1 of Schedule 2.
- (2) However, the requirements of regulation 27 must still be satisfied for each period to which it applies.

Compare: LI 2017/123 r 27

Cigars

29 Rotation of required messages on cigar packages

- (1) This regulation applies to a person who—
 - (a) manufactures tobacco packages for cigars; or
 - (b) imports those tobacco packages; or
 - (c) packages, or arranges for the packaging of, cigars.

- (2) A person to whom this regulation applies must, in relation to each 12-month period beginning on 1 March in any year,—
- (a) print the required messages set out in items 1 to 5 of Part 2 of Schedule 2 on the tobacco packages (or ensure that they are printed on the tobacco packages); and
 - (b) ensure that, during that 12-month period, each required message appears as nearly as possible on an equal number of tobacco packages of each different brand of cigars.
- (3) For the purposes of subclause (2)(b), cigars are of a **different brand** if—
- (a) they are sold under different brand names; or
 - (b) they are sold under the same brand name, but differ in 1 or more of the following ways:
 - (i) being differently flavoured;
 - (ii) being sold in tobacco packages containing different numbers of pieces;
 - (iii) being of different length or mass.

Compare: LI 2017/123 r 28

Part 2

Standardisation requirements for tobacco products except smokeless tobacco products

30 Application of this Part

This Part applies to tobacco products other than smokeless tobacco products.

Subpart 1—Colour and smell of tobacco

31 Colour of tobacco

The colour of tobacco in a tobacco product must be the natural colour of dried tobacco.

Compare: LI 2017/123 r 29

32 Smell of tobacco

- (1) A tobacco product may, subject to subclause (2), smell only of manufactured tobacco.
- (2) The smell of manufactured tobacco may include the smell of an additive or a flavouring that—
 - (a) is of a kind that was added or used to flavour tobacco products for sale in New Zealand on or before 31 May 2016; and

- (b) has been declared in a return filed under section 35(1)(a)(i) of the Act as at 31 May 2016 for sales on or before that date.

Compare: LI 2017/123 r 30

Subpart 2—Text and other markings that may appear on tobacco packages

33 Text or alphanumeric marking on tobacco packages

- (1) Any text or alphanumeric marking on a tobacco package must, unless these regulations provide otherwise,—
 - (a) be coloured Pantone Cool Gray 2C;
 - (b) be in Lucida Sans typeface using a normal weighted regular font;
 - (c) use only the following characters and symbols:
 - (i) the lower-case letters of the English alphabet, except as provided in subclause (2); and
 - (ii) the numerals 0 to 9; and
 - (iii) the ampersand symbol (&); and
 - (iv) the at symbol (@), but only if the symbol is used in an email address.
- (2) Despite subclause (1)(c)(i), an upper-case letter may be used—
 - (a) if the letter is the initial letter of a proper noun or the initial letter of a sentence; and
 - (b) up to 3 times in a brand name.

Compare: LI 2017/123 r 31

34 Brand name and variant name

- (1) A brand name may be displayed on a tobacco package if it—
 - (a) appears,—
 - (i) if the package contains loose or pipe tobacco or is a cigar package (other than a cigar tube), only on the front and back surface of the package; or
 - (ii) if the package is a cigar tube, only on the front surface of the tube; or
 - (iii) if the package contains any other tobacco product, only on the front surface and the 2 smallest surfaces of the package; and
 - (b) takes up only 1 line on each surface on which it appears; and
 - (c) appears below, and in the same orientation as, any part of a required message on that surface; and
 - (d) is no longer than 50 mm; and

- (e) does not obscure any part of a required message on that surface; and
 - (f) is no larger than 14 pt font size.
- (2) A variant name may be displayed on a tobacco package if it—
 - (a) appears below a brand name; and
 - (b) is no longer than 35 mm; and
 - (c) is no larger than 10 pt font size; and
 - (d) complies with subclause (1)(a) to (c) and (e).

Compare: LI 2017/123 r 32

35 Company name

A company name may be displayed on a tobacco package if it—

- (a) is displayed on a surface of the package that does not display the part of the required message known as the second warning; and
- (b) is in Lucida Sans typeface; and
- (c) is no larger than 10 pt font size.

Compare: LI 2017/123 r 33

36 Bar code

A bar code may be displayed once on a tobacco package. The bar code must—

- (a) appear on a surface of the package that does not display a part of a required message; and
- (b) be rectangular; and
- (c) be coloured black on a white background.

Compare: LI 2017/123 r 34

37 Details of manufacturer or importer

- (1) Any or all of the following details may be displayed on a tobacco package in accordance with subclause (2):
 - (a) the name, address, email address, or telephone number of the manufacturer or the importer;
 - (b) the country of manufacture;
 - (c) the country of the importer;
 - (d) an alphanumeric code used to distinguish the origin of the tobacco product.
- (2) The details must—
 - (a) appear on the back surface or surface on which there is a bar code; and
 - (b) appear in the same orientation as any other text on that surface; and

- (c) be no larger than 10 pt font size.

Compare: LI 2017/123 r 35

Subpart 3—Wrapper and outer surface of tobacco packages

38 Tobacco package wrapper

- (1) A tobacco package may have a wrapper.
- (2) The wrapper must be transparent and must not be coloured, marked, textured, or embellished in any way.
- (3) Subclause (2) does not apply to a tear strip described in regulation 39.
- (4) If the wrapper covers more than 1 individually wrapped item,—
 - (a) it may have a rectangular bar code that is coloured black on a white background; and
 - (b) it may be marked with a matt Pantone 448C rectangle to conceal the bar code of each individually wrapped item, but the size of the rectangle must be no larger than is necessary to conceal the bar code of each individually wrapped item.

Compare: LI 2017/123 r 36

39 Tear strip of tobacco package wrapper

The tear strip of a wrapper of a tobacco package must—

- (a) be no more than 3 mm wide;
- (b) be transparent or partially or fully coloured matt Pantone 448C;
- (c) if it is the tear strip of a wrapper of a pack of cigarettes, be located at the bottom edge of the lid;
- (d) not obscure any part of a required message.

Compare: LI 2017/123 r 37

40 Outer surfaces of tobacco package

The outer surfaces of a tobacco package (other than the wrapper) must have only matt Pantone 448C as a background colour.

Compare: LI 2017/123 r 38

Subpart 4—Prohibited features

41 Tobacco package must not have scent or noise making feature to promote tobacco product

- (1) A tobacco package must not—
 - (a) have or make any scent that could have the effect of promoting a tobacco product;

- (b) contain any feature designed to bring about any noise that could have the effect of promoting a tobacco product.
- (2) Subclause (1)(a) does not prohibit any smell that is normally associated with a tobacco package.

Compare: LI 2017/123 r 39

42 Tobacco package must not have feature designed to alter package after sale

- (1) A tobacco package must not have any feature that is designed to alter the appearance of the package after sale.
- (2) A feature described in subclause (1) includes, without limitation, any of the following:
 - (a) heat-activated inks:
 - (b) inks or embellishments designed to appear gradually over time:
 - (c) inks that appear fluorescent in certain light:
 - (d) panels designed to be scratched or rubbed to reveal an image or text:
 - (e) removable tabs:
 - (f) fold-out panels.

Compare: LI 2017/123 r 40

43 Tobacco package must not contain inserts

A tobacco package must not contain any inserts.

Compare: LI 2017/123 r 41

Subpart 5—Individual cigarettes

44 Dimensions and features of cigarette

- (1) A cigarette must—
 - (a) be cylindrical with flat ends; and
 - (b) be no less than 7 mm and no more than 9 mm in diameter; and
 - (c) be no longer than 95 mm; and
 - (d) have enclosing paper that is coloured plain white.
- (2) The filter tip (if any) of a cigarette must—
 - (a) be made of white material; and
 - (b) be coloured plain white or imitation cork on the outside; and
 - (c) not contain printing or embellishment of any kind.

Compare: LI 2017/123 r 42

45 Printed code on cigarette

- (1) A cigarette may have a printed code for the purposes of tracking and tracing tobacco products.
- (2) The printed code must—
 - (a) appear horizontally across the cigarette in 1 line; and
 - (b) appear—
 - (i) within 10 mm of the filter of the cigarette; or
 - (ii) on one end of the cigarette if the cigarette has no filter; and
 - (c) be coloured matt Pantone 448C; and
 - (d) be in Lucida Sans typeface that is no larger than 8 pt font size; and
 - (e) use only the characters and symbols described in regulation 33(1)(c); and
 - (f) convey no other information to the consumer.

Compare: LI 2017/123 r 43

Subpart 6—Cigarette packs and cartons

Cigarette packs

46 Number of cigarettes in pack

- (1) A pack of cigarettes must contain only 20 or 25 cigarettes.
- (2) A statement of the number of cigarettes in a pack—
 - (a) may appear on any surface of the pack on which there is a brand name; and
 - (b) must appear in the same orientation as any other text on that surface; and
 - (c) must be no larger than 10 pt font size.
- (3) In this regulation only, **cigarettes** includes cigarillos.

Compare: LI 2017/123 r 44

47 Dimensions and features of pack of cigarettes

- (1) A pack of cigarettes must be—
 - (a) rectangular in shape; and
 - (b) no less than 85 mm and no more than 98 mm high; and
 - (c) no less than 55 mm and no more than 72 mm wide; and
 - (d) no less than 20 mm and no more than 30 mm deep.
- (2) A pack of cigarettes must be made of rigid cardboard and be constructed so that—
 - (a) each surface—

- (i) is flat with no irregularities; and
 - (ii) meets the adjoining surface with rigid straight edges; and
- (b) it opens and closes only by way of a straight-edged flip-top lid that is hinged at the back of the pack.

Compare: LI 2017/123 r 45

48 How pack of cigarettes may be lined

A pack of cigarettes may be lined. The lining must—

- (a) be made of silver foil that is no more than 0.5 mm thick; and
- (b) be coloured white on the inner side; and
- (c) not be textured; and
- (d) be fixed to the inside of the pack and not easily detachable.

Compare: LI 2017/123 r 46

Cigarette cartons

49 Number of packs in carton of cigarettes

A carton of cigarettes must hold no more than 10 packs of cigarettes.

Compare: LI 2017/123 r 47

50 Carton may have serrations

A carton of cigarettes may have serrations at the opening edges of the carton.

Compare: LI 2017/123 r 48

Subpart 7—Loose and pipe tobacco

51 Weight of loose or pipe tobacco in package

- (1) A tobacco package containing loose or pipe tobacco must contain only 30 g or 50 g of manufactured tobacco.
- (2) A statement of the weight of loose or pipe tobacco—
 - (a) may be displayed on any surface of the pack on which there is a brand name; and
 - (b) must be in the same orientation as any other text on that surface; and
 - (c) must be no larger than 10 pt font size.

Compare: LI 2017/123 r 49

52 Dimensions and features of loose tobacco package

A tobacco package containing loose tobacco must conform to the following requirements:

- (a) it must be a rectangular pouch made from soft plastic;
- (b) each surface must be flat with no irregularities;

- (c) its lining (if any) must—
 - (i) be transparent and not coloured; and
 - (ii) be made of plastic:
 - (d) its opening flaps must be sealed by a resealable transparent tab.
- Compare: LI 2017/123 r 50

53 Tobacco package containing pipe tobacco

A tobacco package that contains pipe tobacco may be made of tin.

Compare: LI 2017/123 r 51

Subpart 8—Cigars

54 How cigars may be sold

Cigars may be sold only—

- (a) in a cigar tube containing a single cigar; or
- (b) in a pack, carton, or bag containing 1 or more cigars.

Compare: LI 2017/123 r 52

55 Bands on cigars

- (1) A single band may be displayed around the circumference of a cigar.
- (2) The band must be coloured matt Pantone 448C.
- (3) The band may be an adhesive band that—
 - (a) completely covers another band or bands; and
 - (b) is fastened firmly to, and not easily removable from, the band or bands that it covers.
- (4) Any or all of the following marks may be displayed once on the band:
 - (a) the brand name of the cigar;
 - (b) the variant name of the cigar;
 - (c) the name of the country of manufacture;
 - (d) an alphanumeric code.
- (5) The marks described in subclause (4) must use only the characters and symbols described in regulation 33(1)(c).

Compare: LI 2017/123 r 53

Part 3

Other requirements relating to tobacco products

Subpart 1—Information about tobacco products offered for sale

56 Notice indicating availability of tobacco products

- (1) This regulation applies to a notice that a retailer may, for the purpose of the exemption in section 25(1)(b) of the Act, display in relation to tobacco products.
- (2) The notice must contain only the following information:
 - (a) the words “TOBACCO AVAILABLE HERE”, in lettering not larger than Helvetica typeface 70 pt; and
 - (b) the words “No sales to persons under the age of 18”, in lettering not smaller than Helvetica typeface 40 pt.
- (3) The notice must not be larger than A4 size.
- (4) The information in the notice must be printed or handwritten in black on a white background.
- (5) The notice—
 - (a) may be displayed only where the tobacco is stored or where the tobacco can be purchased; and
 - (b) must be displayed together with—
 - (i) a graphic (of the same size as the notice) from an item in Part 1 of Schedule 2; and
 - (ii) the first warning in English and te reo Māori from that same item; and
 - (c) must not be displayed so as to be visible from outside the retailer’s place of business.
- (6) The number of notices that may be displayed inside a retailer’s place of business is as follows:
 - (a) only 1 notice if the retailer’s place of business is less than 200 m²;
 - (b) not more than 2 notices if the retailer’s place of business is 200 m² or more but not more than 500 m²;
 - (c) not more than 3 notices if the retailer’s place of business is more than 500 m².
- (7) For the purposes of subclause (6), the size of a retailer’s place of business is the area within the place of business to which, generally, members of the public have access.

Compare: LI 2017/123 r 54

57 How information about tobacco products offered for Internet sale must be provided

- (1) This regulation applies to information that a person who offers tobacco 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).
- (3) The information must be in the form of printed or handwritten words in black on a white background.
- (4) The information must be—
 - (a) limited to the brand of tobacco product, the variant, the amount or quantity or size, and the price; and
 - (b) in the form of printed or handwritten black lettering that is not larger than Helvetica typeface 16 pt.
- (5) At the top and bottom of each page containing the product and price information, there must be a health warning—
 - (a) that says—

“SMOKING KILLS
Ka mate koe i te kai hikareti”:
 - (b) the first line of which must not be smaller than Helvetica typeface 70 pt:
 - (c) the second line of which must not be smaller than Helvetica typeface 40 pt.
- (6) 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”.

Compare: LI 2017/123 r 55

58 Information that must be provided inside retailer’s place of business in response to request

- (1) This regulation specifies, for the purpose of the exemption in section 25(1)(a) of the Act, requirements that apply to printed or written information provided by a retailer in their place of business in response to a product request.
- (2) The information must be printed or handwritten in black on 1 or more sheets of plain white paper that are no larger than A4 size.
- (3) The information must be—
 - (a) limited to the brand of tobacco product, the variant, the amount or quantity or size, and the price; and

- (b) printed or handwritten in black lettering that is not larger than Helvetica typeface 16 pt.
- (4) At the top and bottom of each page on the same side that the product and price information appears, there must be a health warning—
 - (a) that says—
“SMOKING KILLS
Ka mate koe i te kai hikareti”;
 - (b) the first line of which must not be smaller than Helvetica typeface 70 pt;
 - (c) the second line of which must not be smaller than Helvetica typeface 40 pt.
- (5) 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”.
- (6) Each page on which the product and price information appears must have a continuous solid black border along each edge of the page.

Compare: LI 2017/123 r 56

59 Provision of information about tobacco products offered by way of vending machine

- (1) This regulation specifies, for the purpose of the exemption in section 25(3) of the Act, requirements that apply to a notice displayed on the outside of a vending machine that offers tobacco products for sale.
- (2) The notice must—
 - (a) only contain information about tobacco products that are available from the vending machine; and
 - (b) otherwise comply with the requirements set out in regulation 58(2) to (6).

Compare: LI 2017/123 r 57

Subpart 2—Information provided to retailers about tobacco products

60 Price lists given to retailers of tobacco products

- (1) For the purpose of the exemption in section 24(a) of the Act, a price list given to retailers of tobacco products—
 - (a) must contain the following information:
 - (i) brand name;
 - (ii) brand variant;
 - (iii) quantity;
 - (iv) price; and

- (b) must contain the applicable health warning for the tobacco product set out in subclause (2)—
 - (i) on each page (whether printed or an Internet web page); and
 - (ii) in upper-case Univers Medium Condensed Roman typeface 24 pt; and
- (c) must not contain any other information.
- (2) For the purpose of subclause (1)(b), the health warning,—
 - (a) for a tobacco product other than a smokeless tobacco product, is “Smoking Causes Fatal Diseases”; and
 - (b) for a smokeless tobacco product, is “This product damages your health and is addictive”.

Compare: LI 2017/123 r 60

61 Information that manufacturer and importer may provide to retailers about smokeless tobacco products

A manufacturer or an importer of smokeless tobacco products may, for the purpose of the exemption in section 24(k) of the Act, provide information to retailers about—

- (a) the correct use, handling, storage, refilling, recharging, or disposal of the product; and
- (b) the consequences of incorrect use of the product; and
- (c) handling precautions to take before and during use of the product.

Subpart 3—Testing of manufactured cigarettes

62 Manufactured cigarettes to be tested

Manufactured cigarettes are specified as a regulated product to which section 56 of the Act applies.

Compare: LI 2017/123 r 61

63 Conduct of tests of manufactured cigarettes

Tests for the harmful constituents of brands of manufactured cigarettes, and the respective quantities of those constituents present in the cigarette smoke, must be conducted in accordance with the following standard methods published by the International Organization for Standardization (ISO):

- (a) for tar, ISO 4387:2000 Cigarettes—Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine;
- (b) for nicotine, ISO 10315:2013 Cigarettes—Determination of nicotine in smoke condensates—Gas-chromatographic method;
- (c) for carbon monoxide, ISO 8454:2007 Cigarettes—Determination of carbon monoxide in the vapour phase of cigarette smoke—NDIR method;

- (d) for tar, nicotine, and carbon monoxide, in addition to the applicable standard method specified in paragraph (a), (b), or (c),—
 - (i) ISO 3308:2012 Routine analytical cigarette-smoking machine—Definitions and standard conditions; and
 - (ii) ISO 8243:2013 Cigarettes—Sampling; and
 - (iii) ISO 3402:1999 Tobacco and tobacco products—Atmosphere for conditioning and testing.

Compare: LI 2017/123 r 62

Part 4

Smokeless tobacco products

Subpart 1—Message to be displayed on package

64 Message to be displayed on smokeless tobacco package

- (1) A smokeless tobacco package must display a message relating to the harmful effects of using the tobacco product.
- (2) The message must be the following warning in English and te reo Māori:
“This product damages your health and is addictive
Ka patu tēnei mea i tō hauora, ka whakawara i a koe”.

65 How message must be displayed

- (1) The message required by regulation 64 to be displayed on a smokeless tobacco package must—
 - (a) be displayed in the reserved area on the front and back surface of the package; and
 - (b) be displayed at the centre of each surface; and
 - (c) be in black Helvetica typeface on a white background; and
 - (d) be in a font size that makes the text occupy the greatest possible proportion of the reserved area; and
 - (e) be parallel to—
 - (i) the product’s brand name, if displayed on the surface; or
 - (ii) the product’s variant name, if it is displayed on the surface and the product’s brand name is not also displayed on the surface; or
 - (iii) in all other cases, the largest text that is displayed on the surface; and
 - (f) be indelible; and
 - (g) be surrounded by a black border of a width of 1 mm inside the reserved area.

- (2) The message must not be commented on or paraphrased on any part of the package.
- (3) The message must—
 - (a) be fully visible; and
 - (b) not be hidden (in whole or in part) or interrupted by any wrapper, jacket, or box or any other item; and
 - (c) not hide or interrupt any marking that is required under any New Zealand enactment; and
 - (d) remain intact when the package is opened.

Subpart 2—Prohibited features

66 Prohibited features of smokeless tobacco package

- (1) A smokeless tobacco product, its package, and any insert in the package must not have any feature that—
 - (a) is information about the nicotine, tar, or carbon dioxide content of the product; or
 - (b) refers to additives or the absence of additives; or
 - (c) resembles a food or a cosmetic product; or
 - (d) suggests that a smokeless tobacco product (whether specifically or generally)—
 - (i) is less harmful than other regulated products; or
 - (ii) has emissions with fewer harmful constituents than tobacco smoke; or
 - (iii) has vitalising, energising, healing, rejuvenating, natural, or organic properties; or
 - (iv) has other health or lifestyle benefits.
- (2) A feature referred to in subclause (1) includes, but is not limited to, text, symbols, names, trademarks, or figurative or other types of signs on the product.

Subpart 3—Heated tobacco products

67 Permitted number of heated tobacco products in pack

A pack of heated tobacco products must contain only 20 or 25 tobacco sticks.

Part 5

Vaping products

Subpart 1—Message to be displayed on package

68 Message required for vaping products containing nicotine

- (1) A package of vaping product that contains nicotine must display a message relating to the harmful effects of using the vaping product.
- (2) The message must be the following warning in English and te reo Māori:
“This product contains nicotine, which is a highly addictive substance
He nikotīni kei roto i tēnei mea, he matū tino whakawara”.
- (3) The message must—
 - (a) be displayed in the reserved area on the front and back surface of the package; and
 - (b) be displayed in the centre of each of those surfaces; and
 - (c) be parallel to—
 - (i) the product’s brand name, if displayed on the surface; or
 - (ii) the product’s variant name, if it is displayed on the surface and the product’s brand name is not also displayed on the surface; or
 - (iii) in all other cases, the largest text displayed on the surface; and
 - (d) be in black Helvetica typeface on a white background; and
 - (e) be in a font size that makes the text occupy the greatest possible proportion of the reserved area.

69 Safety message displayed on containers of vaping substance

The outside of a container of vaping substance must display all of the following safety messages:

- (a) “CAUTION: Keep this substance out of reach of children or pets.”;
- (b) “Do not swallow this substance. If this substance is taken into the mouth, rinse mouth thoroughly.”;
- (c) “Contact 0800 POISON (0800 764 766) for advice if this substance is swallowed.”;
- (d) “Seek medical advice if you feel unwell after contact with this substance or use of this product.”.

Subpart 2—Prohibited features

70 Prohibited features of vaping product

- (1) A vaping product, its package, and any insert in the package must not have any feature that—

- (a) refers to additives other than flavours or the absence of additives; or
- (b) resembles a food or a cosmetic product; or
- (c) suggests that the product (whether specifically or generally)—
 - (i) is less harmful than other regulated products; or
 - (ii) has vitalising, energising, healing, rejuvenating, natural, or organic properties; or
 - (iii) has other health or lifestyle benefits.
- (2) A feature referred to in subclause (1) includes but is not limited to text, symbols, names, trademarks, or figurative or other types of signs.

Subpart 3—Information about vaping products

71 Notice indicating availability of vaping products

- (1) This regulation applies to a notice that a retailer may for the purpose of the exemption in section 25(1)(b) of the Act, display in relation to vaping products.
- (2) The notice must contain only the following information:
 - (a) the words “VAPING PRODUCTS AVAILABLE HERE”, in lettering not larger than Helvetica typeface 70 pt; and
 - (b) the words “No sales to persons under the age of 18”, in lettering not smaller than Helvetica typeface 40 pt.
- (3) The notice must not be larger than A4 size.
- (4) The information in the notice must be printed or handwritten in black on a white background.
- (5) The notice may be displayed only where vaping products are displayed or where they can be purchased.
- (6) The number of notices that may be displayed inside a retailer’s place of business is as follows:
 - (a) only 1 notice if the retailer’s place of business is less than 200 m²;
 - (b) not more than 2 notices if the retailer’s place of business is 200 m² or more but not more than 500 m²;
 - (c) not more than 3 notices if the retailer’s place of business is more than 500 m².
- (7) For the purposes of subclause (6), the size of a retailer’s place of business is the area within the place of business to which, generally, members of the public have access.

72 Point-of-sale purchase age information

- (1) This regulation applies to a person who offers a vaping product for sale by retail.

- (2) The notice that the person must display at each point of sale in accordance with section 43 of the Act must—
 - (a) contain only the following warning in English and te reo Māori in lettering not larger than Helvetica typeface 70 pt:
“Vaping products may contain nicotine, which is a highly addictive substance
He nikotīni kei roto i tēnei mea, he matū tino whakawara”; and
 - (b) contain the words “No sale to persons under the age of 18” in lettering not smaller than Helvetica typeface 40 pt.
- (3) The notice must not be larger than A4 size.
- (4) The information in the notice must be printed or handwritten in black on a white background.

73 Information about vaping products that retailer may provide under section 24(g)(ii) of Act

- (1) This regulation applies to a retailer for the purpose of the activity exempted by section 24(g)(ii) of the Act.
- (2) The retailer may provide within their retail premises or on their Internet site a notice that contains—
 - (a) 1 or both of the following messages:
 - (i) “Completely replacing your cigarette with a vape will reduce harm to your health”;
 - (ii) “If you smoke, switching completely to vaping is a much less harmful option”; or
 - (b) an accurate translation of the messages in another language.
- (3) A translation of those messages in a language other than English that is published on an Internet site by the Ministry of Health must be treated as an accurate translation.
- (4) The messages or any translation of the messages must be in lettering not larger than Helvetica typeface 70 pt.
- (5) The notice must not be larger than A4 size.
- (6) The information in the notice must be printed or handwritten in black on a white background.

74 Information that manufacturer or importer may provide to retailers about vaping products

A manufacturer or an importer of vaping products may, for the purpose of the exemption in section 24(k) of the Act, provide retailers with information about—

- (a) the correct use, handling, storage, refilling, recharging, or disposal of the product; and
- (b) the consequences of incorrect use of the product; and
- (c) handling precautions to take before and during use of the product.

Part 6

Notifiable products

75 Interpretation

- (1) In this Part,—
- component**, in relation to a vaping device, means a part of the device that—
- (a) is also sold separately; and
 - (b) may be replaced by a user
- product type** means—
- (a) a vaping device;
 - (b) a vaping substance;
 - (c) a component of a vaping device;
 - (d) a vaping kit (meaning a package containing 2 or more items described in any of paragraphs (a) to (c));
 - (e) a smokeless tobacco product.
- (2) In this Part, an **ingredient** of a product includes any flavour used in the product.

Subpart 1—Product notification

76 Product notification

- (1) The contact details that a notifier must provide when notifying a notifiable product are—
- (a) the notifier’s name and, if the notifier is a company, its business name and company number or NZBN; and
 - (b) the notifier’s physical address, phone number, and email address.
- (2) Before notifying a product, the notifier must be satisfied that the details provided in the product notification are correct.
- (3) The declaration required by section 63(1)(c) of the Act must be made for each product that is being notified.

77 Product information

- (1) When notifying a notifiable product, a notifier must provide the following information and the information required by subclause (2) or (3) (as applicable):
 - (a) product type:
 - (b) product brand, variant, and Universal Product Code:
 - (c) if the product is a vaping device or vaping kit, a list of its components.
- (2) When notifying a vaping substance, the notifier must provide the following information:
 - (a) a list of the product's ingredients with each ingredient described by reference to its Chemical Abstracts Service Registry number or International Union of Pure and Applied Chemistry name:
 - (b) the amount of each ingredient:
 - (c) the nicotine strength:
 - (d) the container volume:
 - (e) the propylene glycol: vegetable glycerol ratio:
 - (f) the amount of any additive that is not a flavour (for example, a preservative or an antioxidant).
- (3) When notifying a smokeless tobacco product, the notifier must provide the following information:
 - (a) a list of the product's ingredients with each ingredient described by reference to its Chemical Abstracts Service Registry number or International Union of Pure and Applied Chemistry name:
 - (b) the amount of each ingredient:
 - (c) the method of use:
 - (d) the number of individual products in a pack:
 - (e) the amount of any additive that is not a flavour (for example, a preservative or an antioxidant).

Subpart 2—Product safety requirements**78 Product safety requirement for all notifiable products**

It is a product safety requirement for each notified product that there are systems in place that enable the following activities in relation to the product:

- (a) investigating and resolving any complaints about the product; and
- (b) recording any adverse reactions to the product; and
- (c) notifying any adverse reactions to the product to the Ministry of Health; and

- (d) recalling the product from sale, supply, or distribution; and
- (e) informing the Ministry of Health of any recall of the product, the extent to which the product is recalled, and the outcome of the recall; and
- (f) if the product is or contains a vaping substance, informing the Ministry of Health of any risks that the notifier is aware of, or any concerns that the notifier has, in relation to any substance used in the manufacture of the vaping substance.

79 Product safety requirement for smokeless tobacco products

It is a product safety requirement for a smokeless tobacco product that, if an additive other than a flavour is used in the product,—

- (a) a toxicological risk assessment for the use of the additive must be carried out; and
- (b) the notifier must, if requested by the Director-General under section 71 of the Act, be ready to provide reasons for the use of the additive in the product.

80 Product safety requirements for vaping products

- (1) It is a product safety requirement for a vaping product that the following information be provided in accordance with subclause (2):
 - (a) instructions about the correct use, handling, storage, refilling, recharging, or disposal of the product; and
 - (b) information about the consequences of incorrect use of the product; and
 - (c) handling precautions to take before and during use of the product.
- (2) The information may appear in any 1 or more of the following ways:
 - (a) on the packaging of the product, to the extent that the information's appearance is consistent with these regulations:
 - (b) as an insert within the packaging of the product:
 - (c) on the product, to the extent that the information's appearance is consistent with these regulations.
- (3) Other product safety requirements for vaping products are set out in Schedule 5.

Part 7 General

81 Infringement and reminder notices

- (1) An infringement notice in relation to an infringement offence must be in the form set out in Schedule 6.

- (2) A reminder notice in relation to an infringement offence must be in the form set out in Schedule 7.

82 Fees

- (1) A person specified in column 1 of the table in Schedule 8 must pay the fee specified in that table for the person.
- (2) The fee must be paid at the time of the event specified in column 3 of the table in Schedule 8 for the person.
- (3) The Director-General may waive (in whole or in part) the payment of a fee payable under subclause (1) if the Director-General considers it is fair and reasonable to do so in the circumstances.

83 Track and trace markings

- (1) Track and trace markings may be displayed on a regulated product or on its package only—
 - (a) if those markings are required under legislation in jurisdictions outside New Zealand to be displayed on a regulated product or its package; and
 - (b) to the extent that the display is consistent with these regulations.
- (2) However, this regulation does not affect regulation 45.

84 Annual returns and reports

- (1) A return required to be prepared under section 100(1)(a)(i) of the Act and filed with the Director-General by 31 January must—
 - (a) relate to the previous calendar year; and
 - (b) for tobacco products other than smokeless tobacco products, be in form 1 of Schedule 9; and
 - (c) for herbal smoking products, be in form 2 of Schedule 9; and
 - (d) for notifiable products, be in form 3 of Schedule 9.
- (2) A report required to be prepared under section 100(1)(a)(ii) of the Act and filed with the Director-General by 31 January must—
 - (a) relate to the previous calendar year; and
 - (b) for tobacco products other than smokeless tobacco products, be in form 1 of Schedule 10; and
 - (c) for herbal smoking products, be in form 2 of Schedule 10; and
 - (d) for notifiable products, be in form 3 of Schedule 10.
- (3) A return required to be prepared under section 100(2) of the Act and filed with the Director-General by 31 January must—
 - (a) relate to the previous calendar year; and

(b) be in form 4 of Schedule 9.

Compare: LI 2017/123 r 63

85 Revocation

The Smoke-free Environments Regulations 2017 (LI 2017/123) are revoked.

Schedule 1

Transitional, savings, and related provisions

r 6

Part 1

Provisions relating to these regulations as made

1 Regulations 60 and 71 to 74 take effect on 11 September 2021

- (1) Regulations 60 and 71 to 74 take effect on and from 11 September 2021.
- (2) However, regulation 60 of the Smoke-free Environments Regulations 2017 continues to apply until the close of 10 September 2021 to price lists given to retailers of tobacco products.

2 Application of Part 4

Part 4 applies on and from—

- (a) 11 May 2022 to a person who manufactures or imports smokeless tobacco packages or packages or arranges for the packaging of smokeless tobacco products; and
- (b) 25 June 2022 to a person who distributes smokeless tobacco packages; and
- (c) 11 August 2022 to a person who sells, offers for sale, or otherwise supplies smokeless tobacco packages.

3 Application of Part 5

Part 5 applies on and from—

- (a) 11 May 2022 to a person who manufactures or imports vaping products or packages or arranges for the packaging of vaping products; and
- (b) 25 June 2022 to a person who distributes vaping product packages; and
- (c) 11 August 2022 to a person who sells, offers for sale, or otherwise supplies vaping product packages.

4 First annual return for specified regulated products

- (1) The first annual return required under regulation 84 from a manufacturer or an importer of herbal smoking products must be filed by 31 January 2023 for the 2022 calendar year.
- (2) The first annual return required under regulation 84 from a manufacturer or an importer of vaping products must be filed by 31 January 2023 for the 2022 calendar year.
- (3) The first annual return required under regulation 84 from a specialist vape retailer must be filed by 31 January 2023 for the 2022 calendar year.

5 Annual return for smokeless tobacco products

The annual return required under regulation 84 from a manufacturer or importer of smokeless tobacco products for the 2021 calendar year, must, despite regulation 84(1)(d), be in form 1 of Schedule 9.

Schedule 2
Content of required message

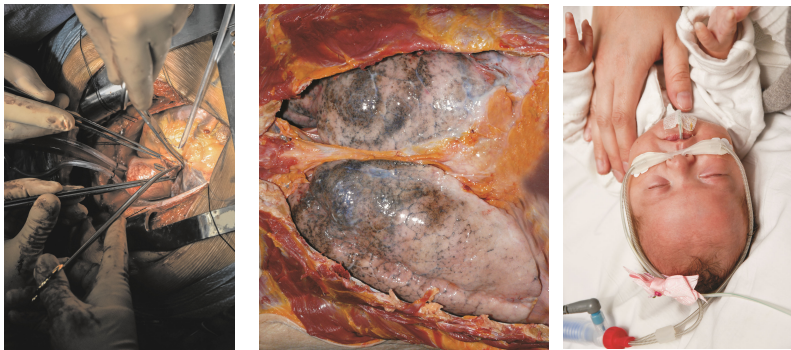
rr 3, 9–14, 23, 27, 28, 29, 56

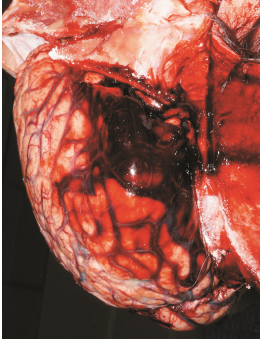
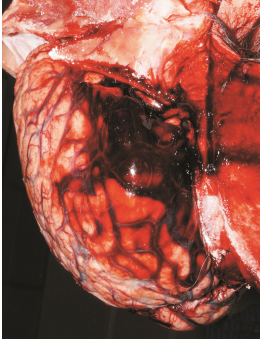
Part 1
Message that must be displayed on packages of tobacco products other than cigars

Item	First warning (front face and back face) ¹	Second warning (side, inside flap, or base)	Explanatory note and you can quit statement (back face)	Graphic (front face and back face)
1	SMOKING CAUSES HEART ATTACKS KA PĀ MAI NGĀ MANAWA-HĒ I TE KAI PAIPA	WARNING Smoking causes heart attacks.	Smokers are more likely to have heart attacks than non-smokers. Many smokers who have heart attacks will die from them. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	
2	SMOKING CAUSES OVER 80% OF LUNG CANCERS NEKE ATU I TE 80% O NGĀ MATE PUKUPUKU KI NGĀ PUKAHUKAHU I AHU MAI I TE KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that cause lung cancer.	Over 80% of lung cancers are caused by smoking. Most people diagnosed with lung cancer will die from it. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

Item	First warning (front face and back face) ¹	Second warning (side, inside flap, or base)	Explanatory note and you can quit statement (back face)	Graphic (front face and back face)
3	SMOKING HARMS YOUR BABY BEFORE IT IS BORN KA TŪKINOHIA TŌ PĒPI I TŌ KŌPŪ I TE KAI PAIPA	WARNING Smoking increases the risk of premature birth, stillbirth, and infant death.	Smoking greatly increases the risk of babies being born too small, too early, or stillborn. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	
4	YOUR SMOKING HARMS OTHERS KA TŪKINOHIA ĒTAHI ATU I Ō MAHI KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that cause serious illnesses in children.	Children exposed to smoking are more likely to suffer from ear infections, breathing problems and asthma. Babies exposed to smoking are much more likely to die suddenly. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	
5	SMOKING IS A MAJOR CAUSE OF STROKE KA PIKI AKE I TE KAI PAIPA TŌ TŪPONO KI TE IKURA RORO	WARNING Tobacco smoke contains many poisonous chemicals that cause strokes.	People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

Item 6	First warning (front face and back face)¹ SMOKING DAMAGES YOUR BLOOD VESSELS KA TŪKINOHIA Ō IA TOTO I TE KAI PAIPA	Second warning (side, inside flap, or base) WARNING Poisonous chemicals in tobacco smoke damage your blood vessels and make you more likely to need amputations.	Explanatory note and you can quit statement (back face) Smoking harms your blood vessels. Smokers are more likely to get gangrene and need amputations. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	Graphic (front face and back face)  
7	SMOKING IS NOT ATTRACTIVE KA ANUANU KOE I TE KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that harm your appearance as well as your health.	Smoking harms your health and damages your appearance. Smoking causes your skin to wrinkle and age quickly. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

44	Item 8	First warning (front face and back face)¹ SMOKING CAUSES HEART ATTACKS KA PĀ MAI NGĀ MANAWA-HĒ I TE KAI PAIPA	Second warning (side, inside flap, or base) WARNING Smoking causes heart attacks.	Explanatory note and you can quit statement (back face) Smokers are more likely to have heart attacks than non-smokers. Many smokers who have heart attacks will die from them. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking Smoking causes most lung cancers in New Zealand. Most people diagnosed with lung cancer will die from it. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	Graphic (front face and back face) 
	9	SMOKING CAUSES LUNG CANCER KA PĀ MAI TE MATE PUKUPUKU KI NGĀ PŪKAHUKAHU I TE KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that cause lung cancer.		
	10	SMOKING WHEN PREGNANT HARMS YOUR BABY KA TŪKINOHIA TŌ PĒPI I TE KAI PAIPA I A KOE E HAPŪ ANA	WARNING Tobacco smoke contains many poisonous chemicals that harm unborn babies.	Smoking during pregnancy poisons your baby and increases the chance of sudden death. Quit now and protect your baby. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

Item 11	First warning (front face and back face)¹ YOUR SMOKING HARMS CHILDREN KA TŪKINOHIA NGĀ TAMARIKI I Ō MAHI KAI PAIPA	Second warning (side, inside flap, or base) WARNING Tobacco smoke contains many poisonous chemicals that harm children.	Explanatory note and you can quit statement (back face) Secondhand smoke is harmful. Smoking around your children makes them more likely to suffer from serious and potentially fatal diseases like meningitis, pneumonia and asthma. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	  
Item 12	SMOKING IS A MAJOR CAUSE OF STROKE KA PIKIAKE I TE KAI PAIPA TŌ TŪPONO KI TE IKURA RORO	WARNING Tobacco smoke contains many poisonous chemicals that cause strokes.	You can quit smoking People who smoke are more likely to suffer a stroke. Many people die or are severely disabled by strokes. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	
Item 13	QUIT BEFORE IT IS TOO LATE ME WHAKAMUTU KEI RIRO KOE	WARNING Tobacco smoke contains many poisonous chemicals that cause fatal heart attacks and lung diseases.	Many people who smoke develop heart and lung disease and suffer a reduced quality of life. Quit now and save your life. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

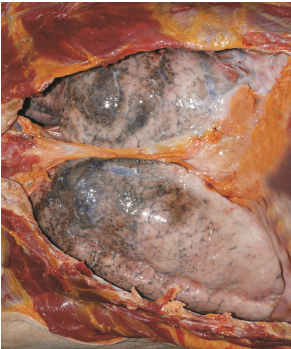
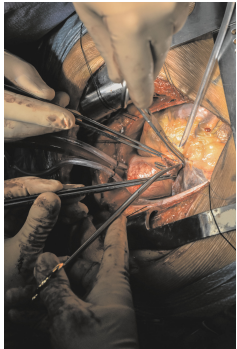
Item	First warning (front face and back face) ¹	Second warning (side, inside flap, or base)	Explanatory note and you can quit statement (back face)	Graphic (front face and back face)
14	SMOKING CAUSES GUM DISEASE AND STINKING BREATH KA PĀ TE MATE PŪNIHO, KA HAUNGA TŌ HĀ I TE KAI PAIPA	WARNING Tobacco smoke contains many poisonous chemicals that cause stinking breath and tooth loss.	Smoking damages your gums. Smoking can destroy the gum, bones and tissue supporting your teeth and lead to tooth loss. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz You <i>can</i> quit smoking	

¹ The first warning must be displayed on the front face in English and on the back face in English and te reo Māori.

Part 2

Message that must be displayed on cigar packages

Item	Warning (Front face and back face) ¹	Explanatory note (Back face) ²	Graphic (Front face) ³
1	CIGAR SMOKE IS TOXIC HE PAIHANA TE AU/AHI HIKĀ	Cigar smoke contains high concentrations of toxins and irritants. Taking in this toxic mix can damage the body's cells, resulting in many diseases including cancer, heart disease and respiratory disease. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz	

Item	Warning (Front face and back face) ¹	Explanatory note (Back face) ²	Graphic (Front face) ³
2	CIGAR SMOKING CAUSES LUNG CANCER KA MATE PUKUPUKU Ā PŪKAHUKAHU I TE MOMI HIKĀ	Cigar smoking increases your risk of lung cancer even if you do not inhale. Your lung cancer risk increases greatly if you inhale the smoke. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz	
3	CIGAR SMOKING DAMAGES YOUR TEETH AND GUMS KA TŪKINO ŌU NIHO ŌU PŪNIHO I TE MOMI HIKĀ	Cigar smoking damages your gums. Smoking cigars can destroy the gums, bones and tissues supporting your teeth and lead to tooth loss. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz	
4	CIGARS ARE NOT A SAFE ALTERNATIVE TO CIGARETTES ĒHARA I TE MEA HE HAUMARU AKE TE HIKĀ KI TE HIKARETI	Cigar smoking, particularly if you inhale, increases your risk of mouth and throat cancer, heart disease and lung disease. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz	

Item	Warning (Front face and back face) ¹	Explanatory note (Back face) ²	Graphic (Front face) ³
5	DON'T LET CHILDREN BREATHE YOUR SMOKE KAUA E TUKUA NGĀ TAMARIKI KIA NGONGO I TŌ AUAHI HIKARETI	Cigar smoke is harmful. Smoking around your children makes them more likely to suffer from serious and potentially fatal diseases like meningitis, pneumonia and asthma. (Quitline logo) For support to quit call 0800 778 778 or visit www.quit.org.nz	

¹ The warning must be displayed on the front face in English and te reo Māori and on the back face in English.
² The explanatory note is not required for cigar tubes.
³ The graphic is not required for cigar tubes.



Schedule 3

Specifications and layout for required message

rr 9–14

Part 1

Tobacco packages containing cigarettes

Item 1 Face Content	Cigarette pack <i>Front face</i> First warning (in English only) and graphic.	<i>Back face</i> First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	<i>Side</i> Second warning.
Specifications	The above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face. The warning must cover the whole of the flip-top portion. No graphic is to be obscured when the flip-top lid is closed.	The above content, other than the you can quit statement, must— (a) cover at least 90% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face. The you can quit statement must cover the remaining 10% of the total area of the back face. If the back outer surface has a fold line along which a flip-top bends when it is opened, the first warning that is in English must cover the area above the fold line. The graphic must be positioned directly below the first warning in English and te reo Māori.	The above content must cover the total area of a side of the pack, except the area that forms part of the flip-top.

50	Layout	Front layout 1 specified in Part 1 of Schedule 4.	Back layout 1 specified in Part 1 of Schedule 4.
	Item 2 Face	Vertical carton of cigarettes	
	Content	<i>Front face</i> First warning (in English only) and graphic.	<i>Back face</i> First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.
	Specifications	The above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face.	<i>Side</i> Second warning. The above content must cover 25% of the total area of a side of the carton. (a) if the back face is partially obscured by a seal,— (i) cover as much of the remainder of the back face as practicable; and (ii) in any case, cover at least 90% of the remaining area of the back face; and (b) in any other case, cover at least 90% of the total area of the back face; and (c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and (d) extend as close as possible to the side edges of the back face. The you can quit statement must cover the remaining 10% of the total area of the back face. If the back outer surface has a fold line along which a flip-top bends when it is opened, the first warning that is in English must cover the area above the fold line.

Layout	Front layout 1 specified in Part 1 of Schedule 4.	The graphic must be positioned directly below the first warning in English and te reo Māori. Back layout 1 specified in Part 1 of Schedule 4.
Item 3	Horizontal carton of cigarettes	
Face	<i>Front face</i>	<i>Back face</i>
Content	First warning (in English) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.
Specifications	The above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) be positioned as close as possible to the left-hand edge of the front face.	<i>Side</i> Second warning. The above content must cover 25% of the total area of a side of the carton, except the area that forms part of the flip-top.
		(i) cover as much of the remainder of the back face as practicable; and (ii) in any case, cover at least 90% of the remaining area of the back face; and (b) in any other case, cover at least 90% of the total area of the back face; and (c) be positioned parallel to, and as close as possible to, the longest edge of the back face; and (d) extend as close as possible to the side edges of the back face. The you can quit statement must cover the remaining 10% of the total area of the back face.

Front layout 2 or 3 specified in Part 1 of Schedule 4.

Layout

2

Part 2

Tobacco packages containing loose tobacco

Item 1	Pouch	<i>Front face</i> (the largest face of the pouch that is not overlapped by the flap of the pouch)	<i>Back face</i> (the face, comprising the flap, opposite to the front face)	<i>Inside flap</i>
Content	First warning (in English only) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	Second warning.	
Specifications	For a front face with portrait orientation, the above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face; and (c) extend as close as possible to the side edges of the front face. For a front face with landscape orientation, the first warning and graphic must— (a) cover at least 75 % of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top and left-hand sides of the front face.	The above content must— (a) cover at least 75% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face; and (c) extend as close as possible to the side edges of the back face.	The above content must be printed within a rectangle measuring at least 80 mm × 25 mm that is positioned— (a) in the centre of the inside of the pouch, under the flap, and as close as possible to the top edge of the sealed inner pouch; or (b) in the centre of the inside surface of the flap that folds over the back face.	
Layout	For a front face with portrait orientation, front layout 1 specified in Part 1 of Schedule 4. For a front face with landscape orientation, front layout 2 or 3 specified in Part 1 of Schedule 4.	Back layout 3 specified in Part 1 of Schedule 4 must be used if the front face has a portrait orientation.		

Back layout 2 specified in Part 1 of Schedule 4 must be used if the front face has a landscape orientation.

Part 3

Tobacco packages containing pipe tobacco

Item 1	Cylindrical-shaped package with height of at least 41 mm		
Face	<i>Front face</i> (the curved surface of the cylinder that extends one-twelfth of the circumference of the package each side of the vertical centre line of the largest brand name appearing on that surface)	<i>Back face</i> (the face of the cylinder that is opposite to the front face)	<i>Outer surface of base of package</i>
Content	First warning (in English) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	Second warning.
Specifications	The above content must— (a) cover at least 75% of the total area of the front face; and (b) be positioned parallel to, and as close as possible to, the top edge of the front face so that the first warning will not be obscured, severed, or obliterated when the package is opened.	The above content must— (a) cover at least 75% of the total area of the back face; and (b) be positioned parallel to, and as close as possible to, the top edge of the back face so that no part of the content will be obscured, severed, or obliterated when the package is opened.	The above content must cover at least 25% of the total area of the outer surface of the base of the package.
Layout	Front layout 1 specified in Part 1 of Schedule 4.	Back layout 1 specified in Part 1 of Schedule 4.	
Item 2	Cylindrical-shaped package or tin with height less than 41 mm		
Face	<i>Front face</i> (the outer surface of the lid of the package or tin)	<i>Back face</i> (the outer face of the base of the package or tin)	<i>Outer surface of base of package</i>
Content	First warning (in English only) and graphic.	First warning in English and te reo Māori, explanatory note, you can quit statement, and graphic.	Second warning.

The above content must cover at least 25% of the outer surface of the base of the package.

The above content must cover at least 60% of the total area of the back face.

- The above content must—
- (a) cover at least 60% of the total area of the front face; and
 - (b) be positioned parallel to the largest brand name on the front face.

Part 4
Cigar packages

Package with hinged lid

Front face (outer surface of lid)

Warning in English and te reo Māori and graphic.
The above content must cover at least 75% of the total area of the front face.

Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.

Back face (outer face of base)

Warning in English and explanatory note.
The above content must cover at least 75% of the total area of the back face.

Back layout 1 or 2 specified in Part 2 of Schedule 4.

Flip-top pack

Front face

Warning in English and te reo Māori and graphic.
The above content must cover at least 75% of the total area of the front face.

Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.

Back face

Warning in English and explanatory note.
The above content must cover at least 75% of the total area of the back face.

Back layout 1 or 2 specified in Part 2 of Schedule 4.

Soft pack

Front face

Warning in English and te reo Māori and graphic.
The above content must cover at least 75% of the total area of the front face.

Back face

Warning in English and explanatory note.
The above content must cover at least 75% of the total area of the back face.

Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	Back layout 1 or 2 specified in Part 2 of Schedule 4.
Item 4	Rectangular- or square-shaped pack or tin	
Face	<i>Front face</i>	<i>Back face</i>
Content	Warning in English and te reo Māori and graphic.	Warning in English and explanatory note.
Specifications	The above content must cover at least 75% of the total area of the front face.	The above content must cover at least 75% of the total area of the back face.
Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	Back layout 1 or 2 specified in Part 2 of Schedule 4.
Item 5	Cigar bag	
Face	<i>Front face</i>	<i>Back face</i>
Content	Warning in English and te reo Māori and graphic.	Warning in English and explanatory note.
Specifications	The above content must—	The above content must—
	(a) cover at least 75% of the total area of the front face; and	(a) cover at least 75% of the total area of the front face; and
	(b) extend to the top and side edges of the front surface; and	(b) extend to the top and side edges of the back surface; and
	(c) join without space between them.	(c) join without space between them.
Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	Back layout 1 or 2 specified in Part 2 of Schedule 4.
Item 6	Other cigar packages¹	
Face	<i>Front face</i>	<i>Back face</i>
Content	Warning in English and te reo Māori and graphic.	Warning in English and explanatory note.
Specifications	The above content must cover at least 75% of the total area of the front face.	The above content must cover at least 75% of the total area of the back face.
Layout	Front layout 1, 2, or 3 specified in Part 2 of Schedule 4.	Back layout 1 or 2 specified in Part 2 of Schedule 4.

Item 7	Cigar tube						
Face	<i>Front face</i>						
Content	Warning in English and te reo Māori.						
Specifications	The above content must— <table><tr><td>(a)</td><td>cover at least 95% of the total length of the outer surface; and</td></tr><tr><td>(b)</td><td>be positioned lengthwise along the tube; and</td></tr><tr><td>(c)</td><td>extend to at least 60% of the circumference of the outer surface.</td></tr></table>	(a)	cover at least 95% of the total length of the outer surface; and	(b)	be positioned lengthwise along the tube; and	(c)	extend to at least 60% of the circumference of the outer surface.
(a)	cover at least 95% of the total length of the outer surface; and						
(b)	be positioned lengthwise along the tube; and						
(c)	extend to at least 60% of the circumference of the outer surface.						

¹ Item 6 describes the specifications and layout for any cigar package that is not covered by any of items 1 to 5 and 7.

Schedule 4

Diagram of layout of required message

Schedule 3

Part 1

Layout for tobacco packages containing tobacco products other than cigars

Front layout 1

First warning in English
Graphic

Back layout 1

First warning in English
First warning in te reo Māori
Graphic
Explanatory note
You <i>can</i> quit statement

Front layout 2

Graphic	First warning in English

Front layout 3

Graphic	First warning in English	
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Back layout 2

Graphic	First warning in English
	First warning in te reo Māori
	Explanatory note
You <i>can</i> quit statement	

Back layout 3

Graphic	First warning in English
	First warning in te reo Māori
	Explanatory note
	You <i>can</i> quit statement

Part 2

Layout for cigar packages

Front layout 1

Warning in English
Warning in te reo Māori
Graphic

Front layout 2

Graphic	Warning in English
	Warning in te reo Māori

Front layout 3

Graphic	Warning in English	
	Warning in te reo Māori	

Back layout 1

Warning in English
Explanatory note

Back layout 2

Warning in English	Explanatory note

Schedule 5

Product safety requirements for vaping products

r 80(3)

Part 1

Vaping substances

Labelling

- 1 The labels of vaping substance containers must include the following information:
 - (a) safety of use instructions (including storage, refilling, and disposal):
 - (b) names and quantities (in mg) of the substance's ingredients:
 - (c) volume or weight of substance in the container (in mL or mg as appropriate):
 - (d) manufacturing batch number:
 - (e) manufacturer's name and contact details:
 - (f) expiry date (as M/YY, MM/YY, M/YYYY or MM/YYYY):
 - (g) the ratio of propylene glycol to vegetable glycerol (expressed as PG:VG or as a percentage):
 - (h) for substances containing more than 3% alcohol, the words "contains alcohol":
 - (i) for substances containing nicotine, nicotine concentration in mg/mL:
 - (j) for substances not containing nicotine, the words "non-nicotine" or "zero nicotine".

Ingredients

- 2 A vaping substance must contain only the ingredients that the notifier submits in the product notification, in the amounts included in that notification, other than trace levels that are technically unavoidable during manufacture.
- 3 A vaping substance must not contain ingredients that could pose an unacceptable risk to people's safety in heated or unheated form when used as intended.
- 4 The notifier must make their own assessment of—
 - (a) the safety of each ingredient in their product (and the fact that an ingredient is not prohibited by or under the Act does not mean it is safe for use in vaping substances); and
 - (b) the controls needed to ensure that their product does not pose an unacceptable risk to people's safety.
- 5 If an additive other than a flavour is used in a vaping substance,—

- (a) a toxicological risk assessment for the use of the additive must be carried out; and
- (b) the notifier must, if requested by the Director-General under section 71 of the Act, be ready to provide reasons for the use of the additive in the vaping substance.

Quality of vaping substance ingredients

- 6 Nicotine quality must comply with the United States Pharmacopeia (USP) or European Pharmacopoeia (Ph. Eur.) monograph.
- 7 The quality of propylene glycol, vegetable glycerol, and the acid of the nicotine salt must comply with the USP or Ph. Eur. monograph.
- 8 Alcohol (ethanol) quality must comply with the USP monograph for Alcohol or Alcohol 96%, or the Ph. Eur. monograph for Ethanol or Ethanol 96%.
- 9 Purified water quality must comply with the USP or Ph. Eur. monograph.
- 10 Tobacco extracts used for flavourings in vaping substances must not contain tobacco-specific nitrosamines in excess of the applicable limits in clause 13.
- 11 Flavours must be water-soluble, and flavours other than tobacco extracts must meet food standards in the Australia New Zealand Food Standards Code 2002.

Substances that vaping substance must not contain

- 12 A vaping substance must not contain the following substances (including in flavours), subject to clause 13:
 - (a) carcinogenic, mutagenic, reprotoxic substances (CMRs), including—
 - (i) additives that have CMR properties in unburnt form:
 - (ii) additives in quantities that increase, to a significant or measurable degree, the toxic or addictive effect or CMR properties of the product when it is consumed:
 - (b) specific target organ toxicity (STOT-RE) Category 1 substances other than benzoic acid- nicotine salts:
 - (c) respiratory sensitisers:
 - (d) radioactive substances:
 - (e) colouring substances:
 - (f) any pharmacologically active substance (medicinal, psychoactive, narcotic, anabolic, or herbal) other than nicotine:
 - (g) vegetable oils:
 - (h) mineral oils:
 - (i) additives and stimulant compounds that are associated with energy and vitality, including—
 - (i) caffeine; and

- (ii) taurine:
- (j) glucuronolactone:
- (k) ethylene glycol:
- (l) diethylene glycol:
- (m) polyethylene glycol:
- (n) food or dietary supplements:
- (o) vitamins or other additives that create the impression there are health benefits or reduced health risks:
- (p) probiotics:
- (q) formaldehyde releasers, including—
 - (i) quaternium:
 - (ii) imidazolidinyl urea:
 - (iii) diazolidinyl urea:
 - (iv) 2-bromo-2-nitropropane-1,3-diol (or 2-bromo-2-nitro-1,3-propanediol):
 - (v) dimethyl-dimethyl hydantoin (DMDM hydantoin):
 - (vi) (benzyloxy)methanol (or phenylmethoxymethanol):
 - (vii) 2-chloro-N-(hydroxymethyl)acetamide:
 - (viii) hexahydro-1,3,5-tris(hydroxyethyl)-s-triazine:
 - (ix) sodium hydroxymethylglycinate:
- (r) the following sugars and sweeteners:
 - (i) glucose:
 - (ii) sucrose:
 - (iii) fructose:
 - (iv) lactose:
 - (v) maltose:
 - (vi) saccharose:
 - (vii) acesulfame potassium:
 - (viii) aspartame:
 - (ix) sodium saccharinate:
 - (x) stevia:
- (s) the following preservatives:
 - (i) triclosan:
 - (ii) phenoxyethanol:
 - (iii) isothiazolinone:

- (iv) long-chain parabens, including isopropylparaben and its salts, isobutylparaben, phenylparaben, benzylparaben, and pentylparaben.

Note: Colouring substances are prohibited under section 68(3) of the Act.

- 13 Despite clause 12, a substance described in the first column of the following table may be present in trace levels in vaping substances only if—

- (a) its presence is technically unavoidable during manufacture; and
(b) it does not exceed any of the applicable limits specified in the table.

	Limit value (no more than)	
Compounds		
Diacetyl (or 2,3-butane dione)	22 mg/L	22 ppm
Pentane 2,3-dione (or acetylpropionyl)	22 mg/L	22 ppm
Formaldehyde	22 mg/L	22 ppm
Acrolein	22 mg/L	22 ppm
Acetaldehyde	200 mg/L	200 ppm
Ethylene glycol	1,000 mg/L	1,000 ppm
Diethylene glycol	1,000 mg/L	1,000 ppm
Metals		
Aluminium	12 mg/L	12 ppm
Antimony	4 mg/L	4 ppm
Arsenic	0.4 mg/L	0.4 ppm
Cadmium	0.6 mg/L	0.6 ppm
Chromium	0.6 mg/L	0.6 ppm
Iron	12 mg/L	12 ppm
Lead	1 mg/L	1 ppm
Mercury	0.2 mg/L	0.2 ppm
Nickel	1 mg/L	1 ppm
Tin	12 mg/L	12 ppm
Tobacco-specific nitrosamines		
Total TSNAs, including—	50 µg/L	0.05 ppm
• N-nitrosornicotine		
• N-nitrosoanatabine		
• N-nitrosoanabasine		
• 4-methyl-N-nitrosamino-1-(3-pyridyl)-1-butanone		

Nicotine

- 14 The strength of free-base nicotine in a vaping substance must not exceed 20 mg/mL.
- 15 The strength of nicotine salt in a vaping substance must not exceed 50 mg/mL.
- 16 The total nicotine content in a container of vaping substance sold at retail must not exceed 1,800 mg, whether it is present as free-base nicotine or nicotine salts.

Containers

- 17 Plastics used for vaping substance containers must comply with the requirements for packages in the Australia New Zealand Food Standards Code 2002.
- 18 Vaping substance containers must—
- (i) be protected against breakage and leakage; and
 - (ii) have anti-spill or restricted-flow devices; and
 - (iii) have child-resistant closures and tamper-evident measures unless the container is sealed and intended to be opened only within a vaping device.
- 19 A container of vaping substance sold at retail must not exceed 120 mL capacity unless the vaping substance contains zero nicotine.

Part 2
Vaping devices

- 20 A vaping device must—
- (a) be safe and fit for purpose under normal use and conditions; and
 - (b) comply with all relevant New Zealand legislation, including the Electricity (Safety) Regulations 2010.
- 21 A vaping device must have a mechanism to ensure—
- (a) user safety; and
 - (b) battery safety in the event of a short-circuit of the heating element.
- 22 A rechargeable vaping device must have a mechanism to prevent the battery from—
- (a) being discharged below a safe voltage during use; or
 - (b) being discharged faster than the battery can sustain safely.
- 23 A vaping device with an on-board charger must have circuitry to monitor the battery voltage and charging current, and limit these to safe levels. If multiple battery cells are in series, the cells must be monitored individually.
- 24 A vaping device must be able to deliver a dose of nicotine at consistent levels under normal conditions of use.
- 25 A vaping device must have a serial or batch number that allows the device to be traced to the time and place of its manufacture. However, single-use devices may have the serial or batch number displayed on the package instead of on the device.
- 26 If a vaping device uses a wick that is silica-based,—
- (a) its emissions must be examined to ensure that needles or other dangerous small particles are not being generated; and

- (b) if needles or other dangerous small particles are identified in emissions, the wicking material grade must be changed.

Part 3

Vaping substance testing

- 28 A notifier must ensure that—
 - (a) testing of vaping substances is conducted by a laboratory accredited to ISO/IEC 17025 (for example, International Accreditation New Zealand (IANZ), ANSI National Accreditation Board (ANAB), or National Association of Testing Authorities (NATA) accreditation); and
 - (b) testing methods used by the laboratory are fit for purpose and are validated by the notifier.
- 29 For vaping substances that have a shelf life set at longer than 2 years, testing must include a stability programme to monitor the product over its shelf life.

Schedule 6

Infringement notice

r 81(1)

Form

Infringement notice

Section 89, Smokefree Environments and Regulated Products Act 1990

Infringement notice No:

Date of notice:

Enforcement authority

This infringement notice is issued by [*enforcement officer, the enforcement authority, or other person authorised to issue an infringement notice*].

Address for correspondence:

Details of person infringement notice issued to

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Omit if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Service details

This infringement notice was served by [*method of service*] on [*date*].

Payment of infringement fee

This infringement fee is payable within 28 days after [*date infringement notice served*].

This infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 4 to 6);
- what to do if you want to query this notice (*see* paragraphs 8 to 14).

Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 1 This notice sets out an alleged infringement offence.

Payments

- 2 If you pay the infringement fee in full as shown above in **Payment of infringement fee**, no further enforcement action will be taken for the offence. Please note that unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.
- 3 If the [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
 - (a) the time to pay will be agreed with the enforcement authority;
 - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment;
 - (c) you can't request a court hearing about the infringement offence (*see* paragraph 13).

What happens if you do not pay on time

- 4 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 8 for your ability to do this), you will be served with a reminder notice (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
 - (a) the [*name of enforcement authority*] may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
 - (b) if so, you will become liable to pay court costs as well as a fine.
- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 7 You have a complete defence against proceedings for the alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 8 You may—
- (a) ask [*name of enforcement authority*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.
- 9 To take an action listed in paragraph 8, you must write to [*name of enforcement authority*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.
- 10 If, in your written communication to the enforcement authority referred to in paragraph 8, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 11 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 12 If you take the action in paragraph 11, [*name of enforcement authority*] will file your written communication with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged

offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 13 If [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 9 to 12 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 14 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

- 15 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 7

Reminder notice

r 81(2)

Reminder notice

Section 89, Smokefree Environments and Regulated Products Act 1990

Reminder notice No:

Date of notice:

This notice is to remind you that you have been issued with an infringement notice.
The details of the notice are as follows:

Enforcement authority

The infringement notice was issued by [*name or number of authorised person*].

Address for correspondence:

Details of person to whom infringement notice issued

Full name:

Full address:

†Date of birth:

*†Gender:

*†Occupation:

*Telephone number:

*Specify only if known.

†Omit if the notice is served on a company or other body corporate.

Details of alleged infringement offence

The offence is one against [*specify provision*].

Date:

Time:

Place:

Nature of alleged infringement:

Infringement fee payable:

Amount of infringement fee remaining unpaid:

Service details

(To be provided for filing in court.)

Infringement notice served by [*method of service*] on [*date*].

Reminder notice served by [*method of service*] at [*full address of service*] on [*date*].

Payment of infringement fee

The infringement fee was payable to [*name of enforcement authority*] within 28 days after [*date infringement notice served*]. The infringement fee has not been paid.

The last day for payment of the infringement fee is [*date*], being 28 days after the date of service of this notice.

The infringement fee may be paid to [*name of enforcement authority*] by [*specify method(s)*].

What you need to know

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, *see* below. This includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see* paragraphs 3 and 4):
- what to do if you want to query this notice (*see* paragraphs 6 to 12).

Statement of rights

If there is anything in this statement you do not understand, you should consult a lawyer.

- 1 You have not paid the infringement fee described in this notice, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Payments

- 2 If you pay the infringement fee in full within 28 days after you are served with this notice, no further enforcement action will be taken for the offence. Payments should be made to [*name of enforcement authority*] as shown above in **Payment of infringement fee**.

What happens if you do not pay on time

- 3 If you do not pay the infringement fee on time as shown above and do not request a hearing (*see* paragraph 6 for your ability to do this), you will become liable to pay court costs as well as a fine (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- 4 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 5 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid in full to [*name of enforcement authority*] in the manner specified in this notice before, or within 28 days after,

this reminder notice is served on you. Late payment or payment made in any other manner is not a defence.

Further action you may take

- 6 You may—
- (a) ask [*name of enforcement authority*] to consider any matter relating to the circumstances of the alleged offence; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence but have a court consider written submissions as to penalty or otherwise.
- 7 To take an action listed in paragraph 6, you must write to [*name of enforcement authority*] at the address shown on this notice. You must sign the written communication and it must be delivered within 28 days after you have been served with this notice, or within any further time that [*name of enforcement authority*] allows.
- 8 If, in your written communication to the enforcement authority referred to in paragraph 7, you deny liability for the alleged offence and request a court hearing, [*name of enforcement authority*] will serve you with a notice of hearing that sets out the place and time at which the court will hear the matter (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence).
- Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.
- 9 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the submissions you wish the court to consider.
- 10 If you take the action in paragraph 9, [*name of enforcement authority*] will file your written communication with the court (unless [*name of enforcement authority*] decides to take no further action to require payment for the alleged offence). If you follow this process, there will be no oral hearing before the court.

Note: The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that

is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 11 If [*name of enforcement authority*] offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 6(b) and (c) and 7 to 10 do not apply, and you are not entitled to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise).

Contacting the enforcement authority

- 12 When writing, please specify—
- (a) the date of the alleged infringement offence; and
 - (b) the number of this reminder notice; and
 - (c) your full name and address for replies.

Note: All correspondence regarding the infringement offence must be directed to [*name of enforcement authority*] at the address shown on this notice.

Further details of your rights and obligations

- 13 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Schedule 8

Fees

r 82			
Column 1	Column 2	Column 3	Column 4
Fee payer	Fee	When fee payable	Amount (\$) (excl GST)
Notifier	For each product notification	When notifying, and every anniversary of that notification	50
Applicant to be a specialist vape retailer	For each application to be a specialist vape retailer	On application	1,600
Applicant to be a specialist vape retailer	For each specified retail premises to which the application relates	On application	600
Applicant to be a specialist vape retailer	For each specified Internet site to which the application relates	On application	600
Specialist vape retailer applying for additional retail premises or Internet site to be included in approval	For each retail premises or specified Internet site sought to be included in approval	When applying for additional specified retail premises to be included or for specified Internet site to be included	600

Schedule 9

Forms of return

r 84(1), (3)

Form 1

Annual return for tobacco products (other than smokeless tobacco products)

Business name:

Business type: manufacturer/importer*

*Delete as appropriate

Calendar year:

Product class: cigarettes/cigarette tobacco/pipe tobacco/cigars/other [*specify*]*

*Delete as appropriate

Product details:

- (a) weight of ingredients in total by product class:
- (b) weight of additives in total by product class:
- (c) list of additives and quantities not exceeded for each brand and brand variants in this return:

Brand and brand variant	Common botanical or chemical name	Quantity not exceeded (percentage by weight)
--------------------------------	--	---

- (d) brand information:

Brand and brand variant	Quantity released for sale	Price (<i>see note</i>)
--------------------------------	-----------------------------------	--------------------------------

I, [*full name*] of [*address*], [*position held*], certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Note: Price sheets supplied by the manufacturer or importer to retailers during the year listing recommended prices for each brand and brand variant or an equivalent list may be attached to the return instead of being included above.

Form 2
Herbal smoking products

Business name:

Business type: manufacturer/importer*

*Delete as appropriate

Calendar year:

Product class: herbal cigarettes/dry herbal mix/herbal shisha/other [*specify*]*

*Delete as appropriate

Product details:

- (a) weight of ingredients in total by product class:
- (b) weight of additives in total by product class:
- (c) list of additives and quantities not exceeded for each brand and brand variants in this return:

Brand and brand variant	Common botanical or chemical name	Quantity not exceeded (percentage by weight)
-------------------------	-----------------------------------	--

- (d) brand information:

Brand and brand variant	Quantity released for sale	Price (<i>see note</i>)
-------------------------	----------------------------	---------------------------

I, [*full name*] of [*address*], [*position held*], certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Note: Price sheets supplied by the manufacturer or importer to retailers during the year listing recommended prices for each brand and brand variant, or an equivalent list, may be attached to the return instead of being included above.

Form 3
Annual return for notifiable products

Business name:

Notifier type: manufacturer/importer*

*Delete as appropriate

Calendar year:

Product class: vaping device/vaping substance/smokeless tobacco product/kit/other
[specify]*

*Delete as appropriate

UPC:

Brand:

Variant:

PG:VG ratio: [specify if applicable]

Product details:

Nicotine strength	Container size	RRP (\$)	Quantity sold	Total sales (\$)
-------------------	----------------	----------	---------------	------------------

I, [full name] of [address], [position held], certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Form 4
Annual return for specialist vape retailers

Business name:

Calendar year:

Store type: approved vaping premises/approved Internet site *[specify]**

*Delete as appropriate

Address: *[specify physical address or URL]*

Part A—Sales revenue

Total sales (vaping products): \$ *[specify]*

Total sales (other products): \$ *[specify]*

Part B—Sales volumes

Product class: vaping device/vaping substance/smokeless tobacco product/kit/other *[specify]**

*Delete as appropriate

UPC:

Brand:

Variant:

PG:VG ratio: *[specify if applicable]*

Product details:

Nicotine strength	Container size	RRP (\$)	Quantity sold	Total value of sales (\$)
-------------------	----------------	----------	---------------	---------------------------

I, *[full name]* of *[address]*, *[position held]*, certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Schedule 10 Forms of report

r 84(2)

Form 1

Annual report for tobacco products (other than smokeless tobacco products)

Business name:

Business type: manufacturer/importer*

Laboratory:*

Calendar year:*

*Delete as appropriate

Product:

Brand and brand variant	Tar mean CI†	Nicotine mean CI†	CO mean CI†
-------------------------	-----------------	----------------------	----------------

†CI = 95% confidence interval

I, *[full name]* of *[address]*, *[position held in testing laboratory]*, certify that the report correctly records the results of all tests carried out at the laboratory at *[location]* by or on behalf of *[name of manufacturer or importer]* during *[year]* for the purposes of section 56/section 57* of the Smokefree Environments and Regulated Products Act 1990.

*Delete as appropriate

Place:

Date:

Form 2
Annual report for herbal smoking products

Business name:

Business type: manufacturer/importer*

Laboratory:*

Calendar year:*

*Delete as appropriate

Product class: herbal cigarettes/dry herbal mix/herbal shisha/other [*specify*]*

Test: product/emissions/other [*specify*]*

*Delete as appropriate

Test results:

Brand and brand variant	Harmful constituent	Quantity (mean CI†)
-------------------------	---------------------	------------------------

†CI = 95% confidence interval

I, [*full name*] of [*address*], [*position held*], certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Form 3
Annual report for notifiable products

Business name:

Business type: manufacturer/importer*

Laboratory:*

Calendar year:*

*Delete as appropriate

Product class: vaping device/vaping substance/smokeless tobacco product/other [*specify*]*

Test: product/emissions/other [*specify*]*

*Delete as appropriate

Test results:

Brand and brand variant	Nicotine strength	Ingredient	Quantity (mean CI†)
-------------------------	-------------------	------------	------------------------

†CI = 95% confidence interval

I, [*full name*] of [*address*], [*position held*], certify that the information contained in/and attached to* this return is correct for the purposes of the Smokefree Environments and Regulated Products Regulations 2021.

*Delete as appropriate

Place:

Date:

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 11 August 2021, replace the Smoke-free Environments Regulations 2017.

These regulations arise from the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020. That Act provided for the regulation of vaping products as a regulated product under the Smokefree Environments and Regulated Products Act 1990.

Parts 1 to 3 and *Schedules 2 to 4* carry forward the current provisions relating to tobacco products except that *regulations 60 and 61* are new. *Parts 1 and 2* do not apply to smokeless tobacco products.

Parts 4 to 7 and *Schedules 5 to 10* are new and contain, among other things, provisions that—

- require messages to be displayed on smokeless tobacco packages and vaping product packages; and
- specify features that are prohibited in those products; and
- specify information that may be communicated about those products by those offering them for sale; and
- specify information that manufacturers and importers may provide to retailers about those products; and
- set out how those products are to be notified (those products must be notified before they may be sold in New Zealand); and
- prescribe product safety requirements for those products; and
- prescribe forms for annual returns and reports that must be provided to the Director-General of Health.

Schedule 1, which provides for transitional arrangements, delays the application of certain provisions until a specified time. For example, *Parts 4 and 5*, which relate to smokeless tobacco products and vaping products respectively, will apply at different times depending on whether a person manufactures, imports, packages (or arranges for the packaging), distributes, sells, or supplies those products.

Regulatory impact statement

The Ministry of Health produced a regulatory impact statement in August 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.health.govt.nz/about-ministry/information-releases/regulatory-impact-statements/regulations-smokefree-environments-and-regulated-products-act-1990>
- <https://treasury.govt.nz/publications/informationreleases/ris>

**Smokefree Environments and Regulated Products
Regulations 2021**

2021/204

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 August 2021.
These regulations are administered by the Ministry of Health.

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