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# Review of Drug Utensils Regulation – Submission form

July 2016

## Making a submission

This form will help you respond to the discussion points in *Review of Drug Utensils Regulation: A discussion document*. We invite you to use this template, although we will accept submissions in any form. You may raise other matters that are not mentioned here, and you do not have to answer every question.

All submissions that fall within the scope of this review and that are received before the closing date will be considered. The closing date for submissions is **5 pm on Tuesday, 20 September 2016**.

There are two ways you can make a submission:

- email your submission to:

utensilsreview@moh.govt.nz

**or**

- mail your comments to:

Drug Utensils Discussion Document  
Ministry of Health  
PO Box 5013  
WELLINGTON 6145

If you are emailing your submission in PDF format, please also send us the Word document.

# Submitter details

It will help us analyse submissions if you provide some information about yourself. However, this is optional, and you can leave this table empty if you wish.

This submission was completed by: *(name)* Nancy Sutthoff  
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Organisation (if applicable): Aotearoa Vapers Community Advocacy (AVCA)  
Position (if applicable): Director

Are you submitting this as *(tick one box only in this section)*:

- an individual or individuals (not on behalf of an organisation)  
 on behalf of a group or organisation(s)?

We intend to publish all submissions on the Ministry's website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry's website, please tick this box:

- Do not publish this submission

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

- Remove my personal details from responses to Official Information Act requests

Please indicate which sector(s) your submission reflects

*(you may tick more than one box in this section):*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Māori                     | <input type="checkbox"/> Professional association        |
| <input type="checkbox"/> Pacific                              | <input type="checkbox"/> Justice sector                  |
| <input type="checkbox"/> Asian                                | <input type="checkbox"/> Education sector                |
| <input checked="" type="checkbox"/> Consumers/families/whānau | <input type="checkbox"/> Social sector                   |
| <input type="checkbox"/> Service provider                     | <input type="checkbox"/> Academic/research               |
| <input type="checkbox"/> Non-governmental organisation        | <input type="checkbox"/> Local government                |
| <input type="checkbox"/> Public health organisation           | <input type="checkbox"/> Industry                        |
| <input type="checkbox"/> Primary health organisation          |  |
| <input type="checkbox"/> District health board                | <input type="checkbox"/> Other <i>(please specify)</i> : |

# Questions

## Question 1

Do you support the five proposed evaluation criteria: harm prevention, harm reduction, proportionality, ease of implementation and cost effectiveness?

Yes

No

Why or why not? What alternative criteria would you propose?

Do you think they should have different weightings?

Yes

No

Why or why not? What weighting would you propose?

Harm Reduction is the first order of business, simply because prevention in this context, does not cover the underlying social and cultural issues that cause the behaviour in the first place (normalisation, etc.). Harm Prevention should be the umbrella under which all four the foregoing criteria falls under. So, harm reduction, proportionality, ease of implementation, cost effectiveness as a means of harm prevention. Also cost effectiveness needs to include not just financial costs, but also social costs.

## Question 2

What evidence or other information can you provide to improve the description of drug utensils and their availability and use?

In the document it states that “cannabis and synthetic cannabinoids are typically smoked using rolling papers, pipes or bongs (homemade or bought), vaporisers or other utensils such as knives for ‘spotting’”. In actuality, the “vaporisers” utilised for the use of cannabis and synthetic cannabinoids are specifically dry herb and wax vaporisers. This needs to be made VERY CLEAR in legislation, both from the ministry and within Customs so as to not make electronic cigarettes and personal vaporising equipment used with e-liquid for “vaping” illegal or suspect.

## Question 3

Do you agree with the assessment of the current regulations?

Yes

No

Why or why not? What evidence or other information do you have to support your position?

## Question 4

Do you agree that the two high-level options are the right ones to consider:

- 1) enhanced status quo (to make changes to drug utensils notices, operational enforcement guidance and criminal penalties) and
- 2) replacing the possession prohibitions with regulations to restrict and manage supply?

Yes

No

If not, what alternatives would you suggest?

## Question 5

The sub-options for Option 1 are:

- a) clarify legal definitions of drug utensils in the Notice
- b) develop operating guidance for the enforcement of the Notice (this could be prioritise or de-prioritise enforcement)
- c) reduce criminal penalties for personal possession of drug utensils.

Do you think that these sub-options are adequate?

Yes

No

What other sub-options would you like to see in Option 1 and why?

As stated previously, the definition of “vaporiser” needs to be made specific with regards to type and use.

## Question 6

The sub-options for Option 2 are:

- a) restricting location of sale
- b) prohibiting sale to minors
- c) prohibiting or restricting marketing
- d) restricting possession in public places
- e) establishing infringement regulations and/or confiscations to support sub-options
- f) requiring harm information in relation to utensils use
- g) creating licensing regulations for retailers and online sellers.

Do you think that these sub-options are adequate?

Yes

No

What other sub-options would you like to see in Option 2 and why?

An exclusion of vaping as an activity and the use of vaporisers utilising eliquid (either with or without nicotine) from any action that involves infringement regulations, confiscations & fines, either through the Drug Utensil regulations or through the SmokeFree2025 guidelines/regulations.

### Question 7

Do you agree with the potential pros and cons outlined for Option 1?

Yes

No

Why or why not? What evidence or other information do you have to support this view?

### Question 8

Do you agree with the potential pros and cons outlined for Option 2?

Yes

No

Why or why not? What evidence or other information do you have to support this view?

## **Any other comments**

We, at AVCA, really need the Ministry of Health to step up to the plate with regards to electronic cigarettes and personal vaporisers that are used recreationally with legal standing. We can purchase e-liquid, we can import nicotine to include in our e-liquid, therefore anything that encompasses “vaping”, from a legal standpoint, needs to be made crystal clear across the board.

The lack of guidance and specific clarity between the different types of vaporisers (such as the dry herb and wax vaporisers that are used for partaking in consumption of cannabis) and the liquid vaporisers that are sold legally for the consumption of e-liquid makes it quite difficult for those who legally partake in the activity of “vaping”.

Regardless of which of the two proposed options is chosen to deal with this particular issue, it is imperative from AVCA's perspective that no unintended consequences are created that put up any further barriers to the use of vaporisers (whether with or without nicotine added) by those who are looking for an alternative to smoking tobacco. This includes ensuring NZ vendors supplying the vaping community are not unduly hassled by customs or police when importing vaporisers not intended for use with illicit drugs.