

RANGITĪKEI DISTRICT COUNCIL

DRAFT SMOKEFREE AND VAPEFREE POLICY

Date of adoption: xxx

Resolution number: xxx

Date by which review
must be completed: Not applicable

Relevant legislation: Local Government Act 2002
Smokefree Environments
and Regulated Products Act 1990

Statutory/Policy: Statutory

Included in the LTP: No

Draft Smokefree and Vapefree Policy

1. Reasons

- 1.1 Rangitīkei District Council's current community outcomes includes promoting healthy and resilient communities. The Smokefree and Vapefree Rangitīkei Policy contributes towards this outcome.
- 1.2 The Smokefree Environments and Regulated Products Act 1990 (amended in 2023) covers workplaces managed by local authorities but does not extend to outdoor areas. Decisions about these are for local authorities, and most have adopted policies to limit smoking and vaping in such places. This recognises that section 23 of the Public Health Act 1956 provides that 'it shall be the duty of every local authority to improve, promote, and protect public health within its district'.
- 1.3 The Council recognises that, while initially a means to assist people quit smoking, vaping has become increasingly promoted to and used by those who have never smoked, especially younger people, and in some instances had led to people starting smoking.¹ This is why the Policy does not differentiate between smoking and vaping.
- 1.4 The Policy contributes towards the Council's commitment to Central Government's Smokefree Aotearoa 2025 (SF2025) objective. It supports positive public education messaging efforts to de-normalise behaviours associated with smoked tobacco products, vaping (electronic cigarettes) and heated tobacco products (HTP).

2. Context

- 2.1 In the smokefree and vapefree areas identified in Section 4 of this Policy, Council will encourage compliance, through education and signage, to support Rangitīkei communities to become smokefree/vapefree and reduce the associated litter issues. The policy depends on voluntary compliance and persuasion: unlike a bylaw, there are no enforcement mechanisms.
- 2.2 Council will collaborate with its partner organisations and agencies responsible for delivering SF2025 objectives to assist the Rangitīkei District to become smokefree/vapefree where possible.

3. Definitions

Smoking

Smoking is inhaling and exhaling the smoke of burning tobacco typically through cigarettes, cigars or pipes. It includes herbal tobacco and psychoactive substances, including synthetic cannabis.

Vaping

Vaping is using an e-cigarette, a device that heats a liquid to produce vapours that users inhale. Liquids used in e-cigarettes may contain nicotine and other toxic chemicals.

4. Objectives

- 4.1 This Policy has the following objectives:

¹ This recognises the position behind the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 which strikes a balance between ensuring vaping products are available for smokers who want to switch to a less harmful alternative and ensuring these products aren't marketed or sold to young people. The Act makes the legal position clear:

- Section 2(4)(b) - "a vaping device is not a medical device within the meaning of the Medicines Act 1981."
- Section 24(4)(c) - "a vaping substance is not a medicine within the meaning of the Medicines Act 1981."

The Ministry of Health's current position is 'Although vaping is not smoking it is a health risk and should be recorded in clinical records'.

- reduce the prevalence of smoked tobacco, the litter from cigarette butts, the harm from second-hand smoke, and the use of electronic cigarettes/vapes in Council-owned, controlled, leased, facilities or occupied buildings and outdoor public spaces,
- deliver Council leadership for a smokefree and vapefree District,
- support the efforts of Council's partner agencies responsible for achieving the SF2025 objective in the District and the Horizons region.

5. Scope

5.1 The following areas in the Rangitikei District are smokefree/vapefree:

- a. all Council-owned or controlled parks, playgrounds, sports fields, reserves, skateparks, campgrounds and swimming pools,
- b. all Council-owned or controlled facilities or buildings such as libraries, community housing and public toilets. This includes the immediate (within four metres) surrounding outdoor public space, e.g. footpaths adjacent to entranceways, except for those facilities where there are Council staff who are smokers/vapers. In such cases, the Council's Chief Executive may establish a designated area, to be away from windows and doors, dry, and not visible to the public.
- c. all outdoor/footpath dining areas within the central business districts of the District's towns and townships as defined in the pedestrian veranda overlay in the District Plan. Council will specify this requirement (and signage) when permitting use of such outdoor/footpath areas.
- d. bus stops and shelters, and
- e. beaches.

No ashtrays will be provided in these areas.

- 5.2 All new or renewed contractual agreements to hire, lease or occupy Council-owned or controlled buildings and facilities will be required to be smokefree/vapefree.
- 5.3 All Council funded, administered, and supported events will be smokefree/vapefree.
- 5.4 Council will be a supportive partner with Health New Zealand / Te Whatu Ora, local businesses, organisations, and agencies to encourage and support any business or organisation that wishes to become a smokefree/vapefree area.
- 5.5 Council's Chief Executive may temporarily suspend parts of the policy in a declared emergency or other special circumstance. Any such decision shall be publicly notified and reported to the next meeting of the Council.

6. Implementation

To implement this policy, Council will:

- display signage with smokefree and vapefree messaging at Council buildings, facilities and parks and reserve areas, maximising the use of resources at smokefree.org.nz,
- on review, Council documents (e.g. reserve management plans), will make reference to smokefree and vapefree public places,
- on review, community leases and licences will require the leased premises to be smokefree and vapefree,
- include a 'no smoking/vaping on premises' clause in the Council's terms and conditions for hiring any Council venue,

- include a smokefree and vape-free compliance requirement in Council contracts which require work in Council-owned or controlled areas (unless specifically exempted by the Council's Chief Executive) when the contracts are negotiated or renewed,
- include a smokefree and vape-free requirement in all funding agreements through the grant schemes administered by Council.
- consult Council's Youth Council on their views about discouraging vaping by young people, and
- provide support to Government's health agencies and other interested agencies in their initiatives to denormalise smoking and vaping.

7. Application and review

7.1. Council will review the policy at times determined by Council, which may be in response to legislative or policy changes including any potential changes to the Smokefree Aotearoa 2025 goal as appropriate.

7.2. The following measures of success will be used as the basis of any review of the Policy:

- the number of people smoking/vaping overall and in areas designated by the Policy reduces,
- awareness of, and public support for, smokefree and vape-free public areas increases, and
- cigarette butt litter in parks reduces.

These will be measured using the Census, service requests, community surveys and information from the Parks team.

7.3. If a Council-funded event is found not to be taking steps to discourage smoking and vaping, that may influence a decision on a subsequent application for Council support.

7.4 The policy will take effect from the date it is signed by the Chief Executive.

7 February 2024