



New proposals to limit youth vaping from Labour: Do they go far enough?

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Summary

The Labour Party has released a [factsheet](#) outlining plans to “crack down” on youth vaping. Proposals include introducing a licensing scheme, increasing the penalties that people supplying vaping products to underage youth face, limiting vape store outlets to 600, eliminating loopholes within existing legislation, and reducing the visibility of vaping products. In this briefing, we review vaping prevalence among young people, examine the proposed measures, and consider the likely impacts these will have.

In 2022, daily vaping prevalence among students aged 14-15 exceeded 10%, according to the [Year 10 Snapshot survey](#). This overall estimate disguises troubling inequities: more than 20% of Y10 Māori students, and over 25% of Y10 young Māori females reported daily [vaping](#). The government has been slow to recognise and respond to the rapid increase in youth vaping, [which accelerated rapidly from 2018/19](#). Earlier this year, [the Government strengthened regulations](#) though, as we have previously explained, [the new measures that will come into effect in September 2023 do not go far enough](#).

The [Labour Party has recognised further regulation is required](#) and proposes reviewing the Smokefree Environments and Regulated Products Act 1990, should it be re-elected in October’s General Election. But why have successive governments been so slow to recognise youth vaping as a problem and how effective will Labour’s proposed new policies be?

Clues to the first question come in the Labour Party’s Factsheet, which states “*Youth vaping is increasing in New Zealand, with the rate of Year 10 students **choosing to vape daily** despite never smoking increasing from 3.1% in 2021 to 4.3% in 2022*” [our emphasis]. This description, which assumes young people choose to vape, helps explain why government action has been inadequate.

Most young people who vape daily are very unlikely to be exercising a free choice but will instead be driven to vape by powerful cravings they had never anticipated and do not know how to manage. As one participant in a recent study¹ explained:

[I vape] like every 10 minutes at home... I can't go without the nicotine. I think school's probably the hardest time because I have to [wait] an hour before I can leave, hide and vape... I'll just think about it... I need to get [it] into my system.

Framing vaping as a “choice” misrepresents young people’s knowledge, holds them responsible for succumbing to highly addictive products that deliberately targeted them, and perpetuates erroneous arguments relied on by tobacco companies.²

Focusing on vaping among youth who have never smoked implies that vaping among young people who smoke (or who have tried smoking) is less concerning, [given vaping is](#)

[widely held to pose fewer risks than smoking](#). However, physical harm is only one domain of wellbeing and vaping may affect many aspects of young people's everyday lives. Our discussions with young people found vaping increased feelings of anxiety, left them feeling lethargic, reduced their interest in sports and other activities, created a financial burden, and disrupted whānau relationships.³ Many young people who experiment with smoking do not continue smoking; daily vaping thus represents a burden they would not otherwise have had.

Finally, by focusing on the prevalence of vaping among never smokers (which is much lower than the prevalence among youth who smoke) the figures used in the Factsheet could create a misleading impression that only a small proportion of vaping occurs among youth who have never smoked. However, as we set out below, when considering the proportion of youth who vape daily, we estimate over a third (36.5% of 2022 respondents) have never smoked.

Table 1: Estimated number of Y10 students who had never smoked and who vape daily

Year	Total Y10 students (N) #	Never smoked (%) *	Never smoked (n)	Vape daily (%) *	Never smoked, vape daily (n)
2021	63992	82.5	52793	3.1	1637
2022	65646	85.8	56324	4.3	2423

Table 2: Proportion of Y10 students who vape daily and had never smoked

Year	Total Y10 students (N) #	Proportion that vape daily (%) *	Number that vape daily (n)	Never smoked, vape daily (n)	% of vape daily that have never smoked
2021	63992	9.6	6143	1637	26.6
2022	65646	10.1	6630	2423	36.5

* Prevalences of never smoking and vaping from Snapshot Y10 surveys conducted by ASH NZ.

Number of students in Y10 nationally from [Ministry of Education School Rolls](#).

Considering the data from this perspective offers a clearer insight into the impact vaping is having on young people who had not previously smoked. A recent Ministry of Health report pooling 2021 and 2022 NZHS data supports these conclusions and found [that 76% of people aged 15 to 17 who vaped daily had never smoked](#). Policy makers need to consider the overall prevalence of daily vaping, which [is now at a similar level to smoking prevalence last seen nearly two decades ago](#) and likely represents nicotine addiction among many young people, as well as inequities between different population groups.

How effective will Labour's proposed new policies be? Licensing will afford greater control than current measures; however, we need more information on the proposed criteria. What protective perimeters and density restrictions will be put in place to [halt vape store activity near schools](#) and [drain the swamp of vape stores in some CBDs](#) and suburban areas. While the policy does not answer these important questions, it nonetheless belatedly recognises that vaping products are not ordinary consumer products and should be regulated as

therapeutic products designed to help people who have not stopped smoking using traditional approaches, such as nicotine replacement therapy.

We also need policy that recognises some people have stopped smoking by switching to vaping products; that number could be greater if people who smoke received better quality advice from vape retailers.⁴ Restricting sales to fewer specialist retailers who must complete training and demonstrate knowledge of cessation support services and how to refer people to these, should improve the likelihood people will transition successfully from smoking to vaping.

Increased penalties for selling vapes to minors and greater funding to support more controlled purchase operations are also important, but we need a more transparent reporting process. The Vaping Regulatory Authority should report how many breaches it has detected, what these breaches were, which stores had breached the regulations and in what ways, and the fines imposed on those stores. We recommend penalties include a low threshold for permanent withdrawal of licences.

The Factsheet did not explain how vaping products would be made "less visible"; we suggest they should not be visible until people are inside an R18 store (having had to provide ID). Nor does the Factsheet propose ending the sale of disposable vapes, which appeal to young people and pose an increasing environmental problem. The Factsheet's faith in educational campaigns to address youth vaping is questionable, given environments where cheap, highly addictive vapes remain widely available will make it difficult for education programmes to succeed. Finally, the Factsheet does not outline steps to support the thousands of young people who have become dependent on nicotine via vaping to become nicotine free. Policies also need to address the disruptions to whānau and new inequities vaping has caused.

In summary, Labour is the first party to develop policy that could comprehensively reduce the availability of vaping products and deserves credit for [recognising its past policy has been inadequate](#). National's [broad support of the proposed policies](#) offers hope that the policy details will address the questions we have raised and, finally, provide young people with the protection they deserve.

What is new in this Briefing?

- The Labour Party has released a [factsheet](#) outlining plans to “crack down” on youth vaping.
- Proposed new measures include a licensing scheme and limiting vape store numbers to 600.
- Assumptions that young people “choose” to vape reflect long-standing tobacco industry claims regarding smoking and do not reflect either the physical dependence or addiction many young people experience.
- Around a third of young people who vaped daily in 2022 had not previously smoked; vaping is a concern not only for young people who had not previously smoked, but for all young people.
- Vaping affects many wellbeing domains; effects on young people’s mental wellbeing and whānau relationships require greater consideration.
- Proposed measures represent important steps but more detail is required to assess the likely impact these will have on protecting young people.

Implications for public health policy and practice

- Politicians from all parties should now set out the specific measures they propose taking to reduce the appeal and availability of vaping products.
- Greater transparency is needed from the Vaping Regulatory Authority, which should make public details of its monitoring and compliance operations, and the outcomes of these.
- Vaping cessation programmes are urgently required to support the thousands of young people who have become dependent on nicotine via vaping.

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