

New Vaping Law and Regulations for Schools, Kura Kaupapa Māori, Kōhanga Reo and Early Childhood Education and Care Centres

From 11 November 2020, the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (the Amendment Act) extends the prohibition on smoking in schools, kura kaupapa, kōhanga reo and early childhood education facilities and care centres to include vaping.

This means all schools, kura kaupapa, kōhanga reo and early childhood education facilities and care centres are smokefree and vapefree, inside and out, at all times.

The aim of the education provisions in the Act is to:

- prevent the exposure of children and young people to second-hand smoke
- prevent children and young people being influenced by seeing others smoke or vape
- prevent students from taking up smoking and vaping; and
- send a positive message about a smokefree/auahi kore and vapefree/hākohu kore lifestyle as the norm and as the right of all young people.

Law and Regulations

From 11 May 2021, schools, kura kaupapa, kōhanga reo and early childhood education and care centres must display notices stating that smoking and vaping within the premises is forbidden at all times. Notices must be prominently displayed at or immediately inside every entrance to the premises, and every entrance to every building or enclosed area on the premises, excluding buildings and areas not usually in use. These locations are the same as previously required for Smokefree notices under the Smokefree Environments and Regulated Products Act 1990.

The law applies to anyone on the school grounds, including students, staff, visiting parents, caregivers and whānau, contractors, and people hiring or using the school facilities outside school hours.

School management and boards must take all reasonably practicable steps to ensure that no person smokes or vapes in any part of the premises, whether inside or outside, at any time of day.

What you must do to comply

The following checklist will aid you in checking your compliance:

- prominently display “No Vaping” stickers at every entrance to the premises, and every outer entrance to every building
- take all reasonably practicable steps to ensure the families of your students and other visitors know about the new requirements, for example by talking to them or including a section in a newsletter
- take all reasonably practicable steps to ensure other users of your site know about the new requirements, for example by including a smokefree and vapefree statement in a contract or lease for those using, hiring or managing your grounds
- think about reasonably practicable steps to take if someone does smoke or vape on site, for example a simple complaints procedure or action plan.

Promote a Smokefree and Vapefree Lifestyle

Aim to reduce smoking and vaping uptake among students, and work towards a smokefree and vapefree society through:

Consistent messages

- prominently display smokefree and vapefree policy in the staffroom and the public area of the office
- display smokefree and ‘No vaping’ signs
- politely ask anyone smoking or vaping on school property to stop immediately
- educate students through the curriculum about the harmful effects of smoking and exposure to second-hand smoke, and that vaping is not for non-smokers or young people
- educate students through the curriculum why it is illegal to sell or supply vaping products to under 18 year olds in a public space
- where possible, provide staff with smokefree/ vapefree-related professional development

- communicate your smokefree and vapefree policy to the school community via the school/kura newsletter and other means, at least once a year
- inform parents of new entrants, and prospective employees, of your school's/kuras/kōhanga reo/ECE's smokefree and vapefree policy.

Role models

- young people are more likely to start smoking or vaping if they see adults smoking or vaping
- for those staff and employees who smoke or vape ask them to ensure they cannot be seen smoking or vaping by students even when they are off the school/kura/kōhanga reo/ECE grounds
- support staff and employees who are quitting smoking by promoting stop smoking programmes, allowing them to access their quit coaches as appropriate and providing ongoing support and encouragement
- remind parents and caregivers who are on the school grounds, or attending school/kura/kōhanga reo/ECE events (including helping at these events) that they must not smoke or vape; including while transporting or looking after students at events off school premises.

Smokefree and vapefree environments

- ensure there is no smoking or vaping anywhere at school/kura/kōhanga reo/ECE at any time, including at any school road crossing areas

- do not provide ashtrays or smoking/vaping areas
- ensure all school activities outside of your school/kura/kōhanga reo/ECE premises are smokefree and vapefree, e.g. Education Outside the Classroom (EOTC) activities and sporting and cultural events
- remind parents and caregivers who are helping at these events that they must not smoke or vape while transporting or looking after students
- parents/caregivers are encouraged to embrace a smokefree and vapefree lifestyle and to know that vaping is only for people wanting to stop smoking and is not for young people.

Further information

This information is a guide only, and may not be accurate for all situations. It should not be used as a substitute for legal or other expert advice.

For further information on tobacco, health and the legislative requirements contact:

Ministry of Health

www.ndp.govt.nz/smokefreelaw.html

www.moh.govt.nz

www.healthed.govt.nz

The Public Health Service at your local District Health Board.

Public Health Unit contact details: