

Requirements of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (the Amendment Act)

Information for Sports Clubs

New Zealand was one of the first countries in the world to go smokefree in hospitality venues, making them healthier places to work. Bars, restaurants, cafes, casinos and clubs have been smokefree since the amendment to the Smokefree Environments Act in 2004. The Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 extends the Act to include vape-free in all smokefree settings.

Smokefree and vape-free clubrooms make a lot of sense. When you have been playing sport, the last thing you want is to come back to a place filled with tobacco smoke. If your clubroom serves alcohol or if people work there, it needs to be smokefree and vape-free by law.

The Act has some provisions that relate to sporting settings. The Act aims to:

- prevent the detrimental effect of other people's smoking and vaping on the health of people in indoor workplaces and licensed premises.
- reduce the social approval of tobacco use and vaping, particularly among young people.

What will this mean for sports clubs?

All internal areas of sports clubs are required to be permanently smokefree and vape-free, 24 hours a day, seven days a week, if they are a workplace or a licensed premise, as defined by the Act. The legal responsibility for managing this rests with the club.

What is a workplace?

A workplace is an internal area occupied by the employer and usually frequented by employees or volunteers during the course of their employment.

What is a licensed premise?

Licensed premises are any premises, or part of any premises, on which liquor may be sold

pursuant to any licence under the Sale and Supply of Alcohol Act 2012.

What is an internal area?

An internal area, in relation to any premise or vehicle, means an area within or on the premises or vehicle that, when all its doors, windows and other closeable openings are closed, is completely or substantially enclosed by:

- a ceiling, roof, or similar overhead surface; and
- walls, sides, screens, or similar surfaces; and
- those openings.

What are your obligations under the Act?

If your club is a workplace or licensed premise, you must take all reasonably practicable steps to ensure that no person smokes or vapes at any time in an internal area.

Could your club be fined if you breach the Act?

Yes. The Act states that failure to take all reasonably practicable steps will breach the Act. A fine of up to \$4,000 could be imposed on your club for failure to comply with the Act.

What happens if someone smokes or vapes in your club?

It is part of your responsibility under the Act to ensure that people do not smoke or vape in the internal areas of the club. This is where a smokefree and vape-free policy can be of assistance, clearly setting out your club's position on where smoking and vaping is acceptable.

Remember, this is not about people's right to smoke or vape, but about where they can smoke or vape.

What are reasonably practicable steps?

The Act does not define what reasonably practicable steps will be. However, for the purposes of the Act, reasonably practicable steps are what a reasonable and prudent person would do in similar circumstances. A failure to take such steps will be a breach of the law under the Act. The following suggestions may be helpful:

- develop a written smokefree and vapefree policy and display it in your club
- have smokefree and vapefree signage clearly visible in your club
- inform members on an ongoing basis of the smokefree and vapefree status of your club
- have a club policy for dealing with breaches of the Act and your smokefree and vapefree policy
- ensure that all people affected by the club's policy on breaches are made aware of it (eg. staff who may have to enforce it and members who will be affected by it)
- alter your club's constitution to recognise your obligations under the Act
- remove ashtrays from internal areas of your club
- do not sell tobacco products or vapes in your club.

Are any other areas of the Act relevant to sports clubs?

Schools

All schools and early childhood centres are smokefree and vapefree inside and outside at all times.

Sale of tobacco products to under 18 year-olds

The sale of tobacco products, herbal smoking products and vaping products, including non-nicotine vape liquid and toy vaping products, to anyone under the age of 18 years is prohibited.

Gaming machine venues

Holders of a class 4 gambling venue licence must take all reasonably practicable steps to ensure that no person smokes or vapes at any time in any part of the venue that is an internal area.

Is a written smokefree and vapefree policy required?

There is no legal requirement to have a written smokefree and vapefree policy. However, having a policy can assist by clearly stating the club's position in managing its responsibilities under the Act. It can also be useful as a tool for informing members and visitors of the smokefree and vapefree status of your club. An example of a smokefree and vapefree policy is attached for your information/use.

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 visit smokefree.org.nz or contact the Public Health Unit at your regional Public Health service.

Public Health Service contact details:

This resource is available from health.govt.nz.
Revised August 2024. **Code HE1602**

Smokefree/Auahi Kore and Vapefree/Hākohu Kore policy

for _____

We are committed to making our club Smokefree/Auahi Kore and Vapefree/Hākohu Kore

Our club encourages members and visitors to be smokefree and vapefree because:

- it is a positive health choice for us all to make
- we provide healthy environments for everyone to enjoy
- we support people who want to give up smoking and vaping
- we support non-smokers, especially our children/tamariki and youth, by removing the pressure to start smoking or vaping
- we want to protect our members from the harmful effects of second-hand smoke
- we wish to comply with the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020

Please respect our policy

- by not smoking or vaping in any internal areas of the club.
- by not smoking or vaping in (*state any other areas or situations, eg, not smoking in club uniform*)

If you smoke or vape, please do so in (*state smoking and vaping areas*)

Remind people who smoke or vape not to do so in our smokefree and vapefree areas, and support friends and family who are giving up.

Signage is displayed to remind members and the public about the smokefree and vapefree status of our club.

This policy is effective from _____

All members and visitors to our club must comply with these requirements.

Any issues arising should be directed to _____

Authorised by _____ **Date** _____