



Food (Continuation of Dietary Supplements Regulations) Amendment Bill

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Report of the Primary Production Committee

December 2020

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Food (Continuation of Dietary Supplements Regulations) Amendment Bill

Recommendation

The Primary Production Committee has examined the Food (Continuation of Dietary Supplements Regulations) Amendment Bill and recommends that it be passed without amendment.

About the bill as introduced

The Food (Continuation of Dietary Supplements Regulations) Amendment Bill would extend the date of the Dietary Supplements Regulations 1985 by five years, from 1 March 2021 to 1 March 2026. The bill would achieve this by changing the expiry date of the regulations in the Food Act 2014.

The bill's purpose is to maintain consumer access to dietary supplements until a new regulatory regime is expected to start. It also aims to maintain existing safety measures for dietary supplements and preserve New Zealand's reputation as a supplier of dietary supplements.

The regulatory framework for dietary supplements

Dietary supplements are health and wellness products that are taken in edible form, such as vitamin capsules and omega-3 fish oils. Regulations manage the composition and labelling of dietary supplements. Regulations include measures to reduce consumer risk, such as setting out maximum daily doses and prohibiting misleading therapeutic claims.

The current regulations expire on 1 March 2021. A replacement regime is being developed by the Ministry of Health, in association with the Ministry for Primary Industries. However, the replacement regime will not be fully implemented before the current regulations expire. If they expire before a new regime is established, dietary supplements will be regulated by the general laws that apply to food. These laws do not address the specific health risks of dietary supplements.

We have no amendments to recommend

We have considered this bill and have no changes to recommend. We briefly discuss the matters raised by submitters below.

The bill would avoid risks, and benefit businesses and consumers

Submitters generally support the bill. This is because businesses and consumers would likely be negatively affected if the current regulations expired and general food laws were applied to dietary supplements. There could be increased risk of unsafe and unsuitable

dietary supplements being sold. It is also likely that many of the dietary supplements currently on the market would not comply with general food laws, and so could not be sold.

Submitters saw benefits in the bill as it would:

- maintain access to dietary supplements while a new regime is developed
- provide certainty to consumers and the dietary supplements industry
- benefit the economy, particularly in the wake of COVID-19
- provide some safety measures to protect consumers.

Whether five years is the appropriate extension period

Two submitters recommended decreasing the extension period for the current regulations from five years to three. They noted that this was one option mentioned in the Regulatory Impact Statement.¹ Some submitters considered that a five-year extension would delay the implementation of a new regime.

Two submitters explicitly supported the five-year extension period.

We were advised that a shorter extension of three years is not the preferred option. It could mean insufficient time to fully implement a new regime. In addition, COVID-19 has delayed progress on the new regime. The new regime will require development of a bill and subsequent regulations, and a recommended two-year transitional period. We therefore consider a three-year extension unsatisfactory.

We were advised that a five-year extension is necessary to allow the new health products regime to be passed with at least a two-year transition period. Although the Government does not intend to take this long to implement a new regime, COVID-19 has shown that it is wise to allow for contingencies. Therefore, we consider five years the appropriate extension.

¹ <https://www.mpi.govt.nz/dmsdocument/40259-Extending-the-Dietary-Supplements-Regulations-RIS>.

Appendix

Committee procedure

The Food (Continuation of Dietary Supplements Regulations) Amendment Bill was referred to the committee on 28 May 2020. The closing date for submissions was 12 August 2020. We received and considered 12 submissions from interested groups and individuals. We heard oral evidence from one submitter.

We received advice from the Ministry for Primary Industries and the Ministry of Health.

Committee members

Jo Luxton (Chairperson)
Hon David Bennett
Mark Cameron
Steph Lewis
Anna Lorck
Ian McKelvie

Advice and evidence received

The documents that we received as advice and evidence are available on the Parliament website, www.parliament.nz.