

Food (Continuation of Dietary Supplements Regulations) Amendment Bill

Government Bill

Explanatory note

General policy statement

The Food (Continuation of Dietary Supplements Regulations) Amendment Bill will extend the expiry date of the Dietary Supplements Regulations 1985 (the **Regulations**) by 5 years, from 1 March 2021 to 1 March 2026.

The Bill's objective is to maintain consumer access to New Zealand dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence.

Dietary supplements encompass a growing range of health and wellness products taken in a range of edible dose forms, such as vitamin and mineral supplements, capsules of omega-3 fish oils, and glucosamine tablets. The Regulations govern the composition and labelling of dietary supplements, including some specific risk-mitigating measures, such as maximum daily doses for specific vitamins and minerals, and prohibiting misleading statements and therapeutic claims.

The Regulations expire on 1 March 2021, before a new natural health products regime is likely to be in place. If the Regulations expire in the absence of a replacement scheme, dietary supplements will be regulated by the general laws applying to food. These general laws do not address the specific health risks associated with dietary supplements. One likely impact would be an increase in the risk of unsafe and unsuitable dietary supplements being sold. Also, a large proportion of dietary supplements sold at present would be likely to be deemed non-compliant with the general laws and would not be allowed to be sold. Those impacts would adversely affect businesses and consumers.

The Bill will—

- provide certainty for industry and consumers (ie, maintain the market of dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence so that consumers maintain access to dietary supplements); and

- maintain existing safety measures for dietary supplements until a fit-for-purpose regulatory regime is expected to fully commence; and
- maintain New Zealand's current reputation as a supplier of dietary supplements.

The Bill achieves the objective by amending the 2 sections of the Food Act 2014 that implement an expiry date for the Regulations.

Departmental disclosure statement

The Ministry for Primary Industries is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2020&no=248>

Regulatory impact assessment

The Ministry for Primary Industries produced a regulatory impact assessment on 26 November 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://www.mpi.govt.nz/dmsdocument/40259-extending-the-dietary-supplements-regulations-ris>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill commences on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Food Act 2014.

Clauses 4 and 5 amend sections 413 and 420 of the Food Act 2014. Under those sections, the Regulations continue in force until 1 March 2021. The amendments provide for the Regulations to continue in force for a further 5 years until 1 March 2026.

Hon Damien O'Connor

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Food (Continuation of Dietary Supplements Regulations) Amendment Act **2020**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**
This Act amends the Food Act 2014 (the **principal Act**).
- 4 Section 413 amended (Overview of transitional provisions)** 10
In section 413(3)(b), replace “1 March 2021” with “1 March 2026”.

5 Section 420 amended (Pre-commencement legislative requirements: Food Act 1981 and regulations)

In section 420(3)(b), replace “1 March 2021” with “1 March 2026”.