



Cabinet Social Wellbeing Committee

Minute of Decision

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Regulating Natural Health Products

Portfolios **Health / Food Safety / Associate Health (Hon Dr Ayesha Verrall)**

On 7 July 2021, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that in 2018, SWC agreed that natural health products be excluded from the Therapeutic Products Bill to allow ongoing regulation work, and invited the Minister of Health and Minister for Food Safety to report back on options for the regulation of natural health products [SWC-18-MIN-0176];
- 2 **noted** that there is no coherent regulatory framework for natural health products, and current arrangements for their regulation are not fit-for-purpose because they do not ensure consumer safety or support development and growth of New Zealand's natural health product industry;
- 3 **noted** that a modern, comprehensive and risk-based regulatory scheme for therapeutic products is being developed, through repealing the Medicines Act 1981 and replacing it with the Therapeutic Products Bill, which has a category 5 priority on the 2021 Legislation Programme (Instructions to Parliamentary Counsel Office in 2021);
- 4 **agreed** that natural health products will be regulated under the Therapeutic Products Bill (the Bill);
- 5 **agreed** that the objectives for the natural health product regulatory scheme are aligned with those for the therapeutic products regulatory scheme, which are that it:
 - 5.1 meets expectations of risk management and assurance of acceptable safety;
 - 5.2 results in efficient and cost-effective regulation;
 - 5.3 is flexible, durable, up-to-date, and easy to use;
 - 5.4 ensures high-quality, robust and accountable decision-making;
 - 5.5 is able to sustain capable regulatory capacity;
 - 5.6 supports New Zealand's trade and economic objectives;
 - 5.7 is trusted and respected;
 - 5.8 supports consumer access and individual responsibility for care;

- 6 **agreed** that the Bill be revised to:
- 6.1 include a definition of natural health products for the purpose of the Bill;
 - 6.2 apply the regulatory mechanisms in the Bill as appropriate to natural health products, and in a way that is relevant to the risk/benefit profile of natural health products;
 - 6.3 provide for the protection and recognition of rongoā Māori;
 - 6.4 providing for substantiated health benefit claims for natural health products, including recognition of scientific and traditional evidence;
 - 6.5 provide for product certification that can be recognised by other jurisdictions;
- 7 **noted** that officials from the Ministry of Health and Ministry for Primary Industries will undertake further policy work on specific aspects of the regulatory scheme for natural health products, consistent with the objectives in paragraph 5 above and the interface with other legislation and regulatory schemes;
- 8 **invited** the responsible Minister to issue drafting instructions to the Parliamentary Counsel Office to include a regulatory scheme for natural health products in the Therapeutic Products Bill in accordance with the above decisions.

Jenny Vickers
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon David Parker
Hon Poto Williams
Hon Damien O'Connor
Hon Kris Faafoi
Hon Peeni Henare
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Aupito William Sio
Hon Meka Whaitiri
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Officials Committee for SWC