



Joint Briefing

Proposed Ministerial meeting on natural health products reform and review of dietary supplements regulations

Date due to MO: 14 June 2024 **Action required by:** 21 June 2024

Security level: IN CONFIDENCE **Health Report number:** H2024043811
MPI B24-0411

To: Hon Casey Costello, Associate Minister of Health
Hon Andrew Hoggard, Minister for Food Safety

Copy to: Hon David Seymour, Associate Minister of Health

Consulted: Health New Zealand:

Health contact for telephone discussion

Name	Position	Telephone
John McGrath	Director Priority Projects Strategy Policy and Legislation	s 9(2)(a)
Tim Vines	Manager Therapeutics Strategy Policy and Legislation	s 9(2)(a)

Minister Costello's office to complete:

- Approved Decline Noted
 Needs change Seen Overtaken by events
 See Minister's Notes Withdrawn

Comment:

Ministry for Primary Industries contact for telephone discussion

Name	Position	Telephone
Fiona Duncan	Director, Regulatory Systems Policy	s 9(2)(a)
s 9(2)(a)	Principal Advisor, Regulatory Systems Policy	s 9(2)(a)

Minister Hoggard's office to complete:

- Approved Decline Noted
- Needs change Seen Overtaken by events
- See Minister's Notes Withdrawn

Comment:

PROACTIVELY RELEASED

Proposed Ministerial meeting on natural health products regulatory reform and review of dietary supplements regulations

Security level: IN CONFIDENCE **Date:** 14 June 2024

To: Hon Casey Costello, Associate Minister of Health
Hon Andrew Hoggard, Minister for Food Safety

Cc: Hon David Seymour, Associate Minister of Health

Purpose of report

1. This briefing seeks agreement to a proposed meeting between Minister Costello and Minister Hoggard in the week of 24 June 2024, or shortly thereafter.

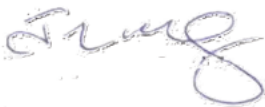
Summary

2. The Government has agreed to reform regulation of medicines, medical devices, and natural health products (NHPs), and foreshadowed “targeted improvements to the current system” under the Medicines Act 1981 and Dietary Supplements Regulations 1985 [CAB-24-MIN-0154].
3. Minister Costello has met Natural Health Products NZ (NHPNZ) while Minister Hoggard will be meeting them on 27 June 2024. You both support regulation that improves the opportunity to export dietary supplements, and Minister Costello has committed to addressing barriers for exporters as part of her work.
4. Dietary Supplements Regulations are scheduled to expire before a new regime for NHPs is likely to be enacted and implemented. Therefore, specific work is needed to ensure there is no regulatory vacuum for dietary supplement products, and there is consistency with the proposed regulatory regime for other NHPs and medicines.
5. It is timely for you to both meet to discuss and agree the approach for this work given the imminent introduction of the Therapeutic Products Act Repeal Bill, and planned industry stakeholders meetings in coming months on the proposed replacement approach.
6. The aim of the proposed meeting would be to discuss the work necessary to deliver regulatory reform for NHPs, including work on targeted improvements to the current system for regulating dietary supplements.
7. Following this meeting, you can expect to receive advice from respective Ministries on advancing your elements of this work, and shared issues of concern.

Recommendations

We recommend you:


- a) **Note** that officials from the Ministry of Health and the Ministry for Primary Industries jointly recommend you meet to discuss work on the Dietary Supplements Regulations, including in the context of longer-term NHP regulatory reform. **Yes/No**
- b) **Agree** to meet in the week of 24 June 2024 or as soon as possible thereafter. **Yes/No**
- c) **Agree** the aim of the meeting would be for you to discuss the work necessary to deliver regulatory reform for natural health products (NHPs), including work on targeted improvements to the current system for regulating dietary supplements. **Yes/No**



John McGrath
Director Priority Projects
Strategy, Policy and Legislation
Ministry of Health
Date: 14 June 2024

Hon Casey Costello
Associate Minister of Health
Date:

s 9(2)(a)



Fiona Duncan
Director
Regulatory Systems Policy
Ministry for Primary Industries
Date: 13/6/24

Hon Andrew Hoggard
Minister for Food Safety
Date:

Proposed Ministerial meeting on natural health products reform and review of dietary supplement regulations

Cabinet Context

1. Cabinet has agreed to repeal the Therapeutic Products Act 2023 (TPA), which will reinstate expiry of the Dietary Supplements Regulations 1985 to 1 March 2026.¹ The Act will be repealed before the end of 2024 [CAB-24-MIN-0154].
2. Alongside the repeal of TPA, Cabinet also noted there are “opportunities for targeted improvements to the current system” under the Medicines Act and Dietary Supplements Regulations that can be addressed prior to, and separately from wider regulatory reform.
3. Minister Costello, in consultation with Minister Seymour, has been invited to report back to Cabinet in November 2024 on options for regulation of medicines, medical devices, and for NHPs. These will be actioned through the Cabinet Social Outcomes Committee.
4. Minister Hoggard, as the Food Safety Minister, is the Minister responsible for the Dietary Supplement Regulations 1985 and the Food Act under which the regulations were made. Regulatory proposals for dietary supplements will be actioned through the Cabinet Economic Policy Committee.

Regulatory Context

5. Regulatory options for dietary supplements will need to be developed, agreed by Cabinet and implemented before 1 March 2026.
6. The Ministry of Health’s work on options for a NHP regulatory regime will be in consultation with the Ministry for Primary Industries’s work on the Dietary Supplements Regulations.
7. Many NHPs lie at the food-medicine interface. Options for targeted improvements to the regulation for dietary supplements and a regulatory regime for NHPs will need regulatory coherence with the Animal Products Act, the Food Act (including the Australia New Zealand Food Standards Code, and the New Zealand Food (Supplemented Food) Standard) and other legislation.

Timing of the proposed Ministers’ meeting

8. We propose you meet in the week of 24 June 2024 (a sitting week) or as soon as possible thereafter.
9. We note Minister Hoggard is scheduled to meet Samantha Gray, Government Affairs Director for NHPNZ, on the morning of 27 June 2024. Ministerial discussions before then would support the meeting with NHPNZ.

Aim of the proposed Ministers’ meeting

10. The aim of the proposed meeting would be for you to reach a shared understanding of work on the Dietary Supplements Regulations, including in the context of longer-term

¹ The Therapeutic Products Act Repeal Bill will decouple expiry of the Dietary Supplements Regulations 1985 from the Therapeutic Products Act and reinstate expiry of those regulations to 1 March 2026.

NHP regulatory reform and opportunities for “targeted improvements” to the current system.

11. Areas for discussion might include the following:
 - a. clarifying regulatory stewardship and administration of dietary supplements
 - b. coordination of public communications
 - c. further guidance on what is envisaged by “targeted improvements under the current system” beyond export facilitation of dietary supplements
 - d. timeframes to 2026 including for delivery of options, public consultation and Cabinet decisions for respective workstreams
 - e. mechanisms for coordination between Ministers (and agencies) to ensure alignment of outcomes through respective Cabinet Committee and Ministerial processes.

Next steps

12. If you agree to this initial meeting, you can expect to receive advice from respective Ministries on advancing your elements of this work, and shared issues of concern.

ENDS.

Minister’s Notes