

DRAFT FOR CONSULTATION

Sunscreen (Product Safety Standard) Bill

Member's Bill

Explanatory note

General policy statement

New Zealand and Australia currently have a shared Sunscreen Standard (AS/NZS 2604:2012) which comprehensively prescribes test methods for both broad-spectrum and water resistant sunscreen products, labelling requirements etc.

Despite having a shared standard, both countries take very different approaches to application. In Australia the standard is mandatory, meaning a product cannot go onto a shelf without meeting the standard. In New Zealand compliance is voluntary.

Consumers need to be able to have confidence in SPF claims made by sunscreen manufacturers and voluntary compliance with the standard is simply not good enough.

This Bill requires the Minister of Commerce and Consumer Affairs to recommend the setting of mandatory regulation under section 29 of the Fair Trading Act 1986 prescribing a product safety standard for sunscreen products.

The Bill expressly requires this to be NZS 2604:2012 or any New Zealand Standard substituted for that standard.

The Minister must make the recommendation as soon as practicable after the Act passes, but no later than 6 months after commencement.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides that the Act comes into force on the day after the date on which it receives the Royal assent.

Clause 3 defines **sunscreen products** as any preparation (for example, creams, oils, gels, or sprays) intended to be placed in contact with human skin with a view exclu-

sively or mainly to protect it from UV radiation by absorbing, scattering, or reflecting radiation.

Clause 4 binds the Crown.

Clause 5 provides that the Minister of Commerce and Consumer Affairs must make recommendations for the Governor-General to make regulations under section 29 of the Fair Trading Act 1986 prescribing product safety standards for sunscreen as soon as practicable, but no later than 6 months after the commencement of the Act.

Clause 6 repeals this Act 6 months after its commencement.

Todd Muller

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sunscreen (Product Safety Standard) Act **2019**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Interpretation

In this Act, –

sunscreen product means any preparation (for example, creams, oils, gels, or sprays) intended to be placed in contact with human skin with a view exclusively or mainly to protect it from UV radiation by absorbing, scattering, or reflecting radiation (for example, claiming a Sun Protection Factor (SPF)).

4 Act binds the Crown

This Act binds the Crown

5 New product safety standard: sunscreen

- (1) The Minister of Commerce and Consumer Affairs must recommend the making of regulations under section 29 of the Fair Trading Act 1986 prescribing a product safety standard for sunscreen products.
- (2) The product safety standard must be the New Zealand Standard for sunscreen (NZS 2604:2012) or any New Zealand Standard substituted for that standard.
- (3) The Minister must make the recommendation as soon as practicable after the commencement of this Act, but no later than 6 months after its commencement.
- (4) The requirements of this section continue to apply even if the deadline in **subsection (3)** has passed or this section has been repealed by **section 6**.
- (5) To avoid doubt,—
 - (a) the Minister may satisfy this section by recommending regulations that amend other regulations; and
 - (b) this section does not limit section 29 of the Fair Trading Act 1986, so that the regulations recommended by the Minister to satisfy this section—
 - (i) may prescribe a product safety information standard that includes other products; and
 - (ii) may be amended or repealed later.

6 Repeal of this Act

This Act is repealed 6 months after its commencement.