

Belchertown Board of Health: Local Tobacco Regulations Consumer Choice Center Testimony

As a consumer advocacy group that fights for lifestyle freedom, innovative technologies, and smart policy, we appreciate Belchertown's Board of Health reviewing the local tobacco regulations that affect the town's citizens.

However, we have great concern with the proposal to move the sale of nicotine pouches exclusively to adult-only restricted locations as well as the proposed Nicotine Free Generation which would ban nicotine sales for everyone born after January 1, 2004. While these proposals may be a well-intentioned move to further eliminate youth access to nicotine products, they will create an array of unintended consequences that harm those residing in Belchertown.

Firstly, and very importantly, there is no data to support a current uptake in youth use of e-cigarettes or oral nicotine pouches. [According to the CDC](#), from 2023 to 2024 current e-cigarette use declined among middle and highschool students overall, and there were no significant changes for nicotine pouch use amongst middle and high school students overall.

Currently, adult consumers may purchase nicotine pouches in a variety of stores, such as gas stations, convenience stores, and adult-only stores that sell age-gated items like alcohol, tobacco, and/or cannabis paraphernalia. In [addition to](#) the federal law prohibiting anyone under the age of 21 purchasing tobacco products, it's also important to note that current Massachusetts law requires age verification at gas stations and convenience stores for anyone who may appear under the age of 30 when purchasing tobacco or nicotine products. This means youth are already prohibited from purchasing any nicotine products at gas stations and convenience stores, and anyone selling these products to underage youth faces heavy penalties

The proposal to ban nicotine products from gas stations and convenience stores neglects the adult consumers who are seeking a less harmful nicotine product in comparison to combustible cigarettes. Oral nicotine pouches, in addition to other [reduced-risk products recognized by the FDA](#), provide an essential alternative to the harms caused by combustible-cigarette smoking; removing these already age-gated products from gas stations and convenience stores will reduce consumer awareness of these less-risky products which will be to the detriment of public health in Belchertown. Additionally, those that currently use oral nicotine pouches as means to move away from combustible-cigarette smoking may decide to revert back to smoking combustibles due to lack of convenience regarding where these products can be purchased.

Perhaps the Board of Health can instead look to global public health counterparts and follow in their successful footsteps, like Sweden. The World Health Organization recently announced that Sweden [will likely](#) become the first smoke-free country. Sweden has [embraced](#) the concept of tobacco harm reduction and supports its citizens to switch from combustible cigarettes to less harmful alternatives including vaping, nicotine pouches, and snus.

Consequently, Sweden has [reduced](#) its smoking rates two times faster than any other country in the European Union and smoking rates have declined by 55% in the last decade. Additionally, smoking-related deaths are 22% lower in Sweden than the European Union average and cancer incidence is 41% lower than in the rest of Europe, with total deaths from cancer being 38% lower.

Nicotine [pouches](#) became available in Sweden in 2018 and the smoking rates dropped by more than 20% since then. Nicotine pouches continue to gain popularity and provide adult consumers with additional options and choices to move away from combustible tobacco. We should champion this change for overall public health.

When it comes to the Nicotine Free Generation proposal that bans anyone born after January 1, 2004 from purchasing nicotine products, it's important to note that the age limit to purchase tobacco products has already been raised from 19 to 21 in addition to a full flavor ban throughout the state. Some proponents believe that a generational ban will eliminate youth-use. Spoiler alert: it will not.

A generational ban is this century's form of prohibition, and it only emboldens the illicit market to fill the gaps in consumer demand where the regulated market cannot. Massachusetts became the first state to ban all flavored tobacco products in 2020, however according to the [Massachusetts Illegal Tobacco Task Force](#), the ban resulted in an increase of interstate smuggling of tobacco products, more tobacco-related police interactions, and a loss in tax revenue for the state.

Ultimately, the flavor ban did **not** eliminate consumer use of flavored tobacco products, it just shifted where consumers purchased products - with a notable influx in flavored tobacco sales in the states surrounding Massachusetts. While the ban was well intentioned, the results were far from what public health officials were hoping for.

We can also look to international examples of similar generational ban policies. Both [New Zealand](#) and [Malaysia](#) have attempted to implement a generational tobacco ban, but have since pulled back after backlashes in polling and disagreements over taxation. The Conservative government in the United Kingdom has plans to implement such a ban, but has also faced severe backlash from its more [liberty-oriented](#) grassroots.

As the governing body focused on upholding the public health of Belchertown, we respectfully encourage you to reject these proposals and instead embrace evidence-based policies that will benefit all members of the community - including the adult consumers who want to conveniently purchase less harmful nicotine alternatives like oral nicotine pouches.

Thank you for your time and consideration on this matter.

Respectfully,

Elizabeth Hicks
US Affairs Analyst