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Subject Tobacco-free movement takes aim at access to nicotine pouches

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New from Commonwealth Beacon

BLADE ISSUES: Vineyard Wind and GE Vernova say they have been cleared to resume installation of turbine blades once certain conditions are met, including the removal of some previously installed blades and the strengthening of others. Bruce Mohl has the story.

LEGISLATIVE WARNING: House Speaker Ron Mariano and Senate President Karen Spilka don't rule out revisiting ballot questions dealing with MCAS as a graduation requirement and legislative audits if they are approved by voters. The Massachusetts Teachers Association, the backer of the MCAS question, wasn't pleased to hear that. Gin Dumcius has the story.

OPINION: Political activist Jesse Mermell says the Legislature pulled up short at the end of formal legislative sessions in July, but now it's getting the job done.

Tobacco-free movement takes aim at access to nicotine pouches

October 22, 2024

By **BHAAMATI BORKHETARIA** and **JENNIFER SMITH**

The next frontier in local battles against nicotine doesn't target traditional and e-cigarettes – with their wafts of tobacco smoke or flavored vapor – but the booming industry of nicotine pouches increasingly popular with younger people.

Cities and towns are hopping on the “smoke-free generation” [bandwagon](#) after the Supreme Judicial Court signed off on Brookline's novel ban on selling tobacco products to anyone born after the turn of the century. Some municipal boards of health, like those in Greenfield and Groton, are going a step further by floating an “out of sight, out of mind” tactic, restricting certain nicotine product sales to adult-only retail tobacco stores and sparking the ire of retail associations.

These limitations would apply, notably, to oral nicotine pouches. The pre-portioned pouches contain nicotine, flavorings, fillers, and other ingredients that are not tobacco leaves, which just-approved Groton regulations note are “intended to be used between the cheek and gum to deliver nicotine, and do not require spitting as traditional smokeless tobacco does.”

Though they do not pose the respiratory risk of cigarettes or vapes, nicotine pouches have drawn similar scrutiny from those concerned that fun marketing and an array of flavor options is specifically targeting young people and starting them down a road to nicotine addiction.

The Bay State [already bars](#) selling flavored nicotine products in convenience stores and gas stations for that reason, though health officials say some flavored nicotine pouches are still being sold illegally.

Cheryl Sbarra, the executive director and senior staff attorney of the Massachusetts Association of Health Boards, said her group and several other groups that advise local health boards have been recommending the change to where nicotine pouches are sold. Greenfield and Groton may end up with company – [Northampton](#) and [Belchertown](#) are both considering similar regulations.

“This is a relatively new strategy,” Sbarra said. “Boards of health hear about [these nicotine pouches] and get concerned that this is another whack-a-mole that the tobacco industry is using to get new customers. We've got a situation where our youth are being exposed to highly addictive oral pouches, and our field is asking [us] to assist them in coming up with a strategy to protect youth.”

SIGN BRUCE MOHL'S RETIREMENT CARD

After 16 years, *CommonWealth Beacon* Editor Bruce Mohl is retiring! Add your message to congratulate Bruce and wish him well in his next journey.

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Commonwealth Beacon editor **BRUCE MOHL** sits down with **PHINEAS BAXANDALL**, Policy Director for the Massachusetts Budget and Policy Center, and **PETE WILSON**, Senior Policy Director for Transportation for Massachusetts. They discuss the recent controversy between the Healey-Driscoll administration and state Legislature over distributing surplus revenue collected by the millionaire's tax.

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Greenfield's [regulation](#) – which went into effect June 26 – cites the US Food and Drug Administration and the US Surgeon General as stating “that flavored tobacco products are considered to be ‘starter’ products that help establish smoking habits that can lead to long-term addiction.”

Part of the strategy to eradicate tobacco-related death and disease, the regulation notes, is for local governments “to ban categories of products from retail sale.”

Nicotine pouches are a growing but complicated market. While the sales of the products [are skyrocketing](#), a study from the Keck School of Medicine of USC and the University of Nebraska Medical Center looking at usage between 2019 and 2022 [found](#) only 2.9 percent of adults had ever tried a nicotine pouch and most still smoke cigarettes as well.

Use of e-cigarettes among Massachusetts teens is ticking down, according to Greenfield's regulation, with 30.9 percent of high schoolers and 10.9 percent of middle schoolers now reporting e-cigarette usage.

However, a 2024 [report](#) from the Centers for Disease Control and Prevention found nicotine pouch usage among teens to be relatively steady. Some 1.8 percent of middle and high school students said they currently use the pouches, with 29.3 percent of those students reporting frequent use and 22.4 percent reporting daily use.

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The adult-only store tactic already has convenience store organizations [seething](#). They say these policies are slipping through with little public scrutiny and dramatically retooling the business model for nicotine product sales.

Paul Brennan, executive director of the New England Convenience Store & Energy Marketers Association, Inc., says the restrictions on nicotine are also out of step with more relaxed Bay State regulations aimed at vices like cannabis and [potentially psychedelics](#).

“Based on what we've seen, these policies don't have a lot of support once people know about them,” Brennan said. “But the tactic that the advocates have been taking is generally just to try to pass something through a board of health with very little hearing time, very little debate. And then the rules are in effect before people even really know what happened.”

Adult-only stores only allow entrance to and are staffed by those over 21 years old, with their only purpose being the sale of tobacco products and paraphernalia.

Brennan argues this sort of policy amounts to a “carve out” or “giveaway” to these shops, limiting access to nicotine pouches while the most harmful products – cigarettes – would still be easily available.

“We understand that, now, a lot of people use other products to quit smoking cigarettes,” he said. “One of the more popular products these days is a nicotine pouch or a vaporizer. But now they would like to take those options away, put them in a less convenient store, put them in another location. I don’t know why, but it’s just part of the war against nicotine.”

More from CommonWealth Beacon

OPINION: Former transportation secretary James Aloisi lays out his roadmap for funding the state’s transportation system.

YET ANOTHER CHALLENGE: The proposed offshore wind cable plant at Brayton Point in Somerset has cleared every hurdle, but now local opponents are considering a court challenge. Will the Italian company move forward or wait until the legal action is resolved? Bruce Mohl has the story.

SEPARATION OF POWERS: Auditor Diana DiZoglio’s audit of the Legislature disputes the notion that she is encroaching on a separate branch of government. “The separation of powers doctrine forbids departments from exercising the powers of the other departments; it does not preclude oversight by one department over another,” the audit says. Bruce Mohl has the story.

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In Other News

MUNICIPAL MATTERS

- Wu administration officials are floating flexibility for some developers on affordable housing requirements. (*Boston Business Journal*)
- Boston City Councilor Ed Flynn and Mayor Michelle Wu’s top economic advisor, Segun Idowu, got

into a testy back and forth on X over the mayor's property tax proposal. (*Boston Herald*)

- Officials in the Plymouth County town of Hanson are locked in a stalemate with a resident who projected a "Trump 2024" sign onto a town-owned water tower. (*MassLive*)
- The Worcester City Council refused to hear a resolution supporting a ceasefire in Gaza, prompting a large demonstration at City Hall. (*Worcester Telegram*)

HEALTH/HEALTH CARE

- Nearly 40,000 patients may lose access to their primary health care provider or specialist or have to seek out different coverage, as Point32 Health fails to reach agreement on new reimbursement rates with UMass Memorial Health and Boston Children's Hospital and is at an impasse in negotiations with Tenet Healthcare. (*Boston Globe*)

ELECTIONS

- The *Boston Herald* endorses Republican challenger John Deaton for US Senate, saying Democratic incumbent Elizabeth Warren "has to go," adding for extra measure that Harvard -- where she taught law for years -- would surely "welcome the liberal senator back in its out-of-touch cocoon."

TRANSPORTATION

- At a meeting on MBTA Communities Act compliance in Framingham, attendees wondered why MBTA buses do not serve the area. *MetroWest Daily News* recounts the history of public transit in Framingham.

ENERGY/ENVIRONMENT

- The North Atlantic right whale population has ticked up slightly, a sliver of good news for the endangered species that remains threatened by boat strikes and entanglement in fishing lines. (*Boston Herald*)

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