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Attorney General Frosh Joins Bipartisan Coalition Calling on the FDA to Regulate Non-Tobacco Nicotine Products *Coalition Highlights Dangers of Unregulated Nicotine Products and Appeal to Youth*

BALTIMORE, MD (June 10, 2022) – Maryland Attorney General Brian E. Frosh today joined a bipartisan coalition of 31 attorneys general in [urging the U.S. Food and Drug Administration](#) (FDA) to reject marketing authorization for all non-tobacco nicotine products that are currently being sold without regulatory constraints on their contents, manufacturing, health effects, or marketing claims. Should the FDA grant marketing authorization to such products, the coalition argues that the FDA should impose the same restrictions required of tobacco-derived nicotine products.

“Kids are the targets of makers of nicotine vape and other non-tobacco products, and they are getting addicted in alarming numbers,” said Attorney General Frosh. “The FDA must protect our children.”

To create nicotine products derived from substances other than tobacco, manufacturers have turned to chemicals with potential health impacts that are less understood than their tobacco-derived nicotine counterparts. Yet, these non-tobacco nicotine products have not faced the restrictions on sales and marketing that the FDA requires for tobacco products. As a result, these products are being sold in a variety of fruit and other flavors and have become increasingly popular with youth. A new law signed in March by President Biden gives the FDA jurisdiction to regulate these products and requires that manufacturers now seek FDA approval to sell them.

In today’s letter, the coalition argues that these products currently fail to satisfy the FDA’s public health standard. If the FDA grants marketing authorization to non-tobacco nicotine products, despite the health risks to consumers and especially to youth, the coalition maintains that the FDA must impose the same restrictions required of tobacco-derived nicotine products. This would include a ban on all products that include a flavor other than tobacco and strict regulatory requirements regarding their contents, manufacturing, and effect on users’ health. Products should carry warnings concerning their addictiveness, and manufacturers should be required to validate health claims made about their products, such as claiming that a product is safer than tobacco.

The lack of regulation on non-tobacco nicotine has created an unlevel playing field, as this one category of products has evaded regulatory burdens and restrictions while its competitors undertake the expense and effort required to conform to FDA requirements. Non-tobacco nicotine products have also skirted the tobacco bans of some major online retailers and are available for purchase online from sellers that don't sell tobacco. These regulatory disparities create incentives for more manufacturers to switch to non-tobacco nicotine products, expanding the problem.

The coalition argues that there is no justification for regulating non-tobacco nicotine any differently than tobacco-derived nicotine. If anything, synthetic nicotine's obscure origins, unexplored chemical characteristics, and use in flavored products that appeal to youth call for heightened vigilance.

Joining Attorney General Frosh in the letter are the attorneys general of Alaska, California, Colorado, Delaware, the District of Columbia, Guam, Hawaii, Idaho, Illinois, Maine, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Northern Mariana Islands, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

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