



MEMORANDUM IN OPPOSITION

S.443-B (Hoylman-Sigal) / A.141-A (Rosenthal)

AN ACT to amend the public health law, in relation to regulating the sale of oral nicotine pouches

The Capital Region Chamber, representing 2,600 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, opposes S.443-B/A.141-A, which would prohibit the sale and distribution of flavored nicotine pouches.

The stated intent of the bill according to the sponsors is to discourage the use of the product by youth. The sponsors claim that tobacco companies have worked to promote new flavored products, marketing them toward young people with "fun" flavors. However, the sponsors' claims are not supported by facts. Indeed, these claims run counter to the findings of the U.S. Food and Drug Administration (FDA). In January 2025, [the FDA authorized the marketing of 20 ZYN nicotine pouch](#) products following an extensive scientific review. "The FDA determined that the specific products receiving marketing authorization met the public health standard legally required by the 2009 Family Smoking Prevention and Tobacco Control Act. This standard considers the risks and benefits of products to the population as a whole." According to the FDA, "the data show that these nicotine pouch products meet that bar by benefiting adults who use cigarettes and/or smokeless tobacco products and completely switch to these products."

Importantly, as part of FDA's evaluation, it "reviewed data regarding youth risk and found that youth use of nicotine pouches remains low despite growing sales in recent years. For example, the 2024 National Youth Tobacco Survey showed that 1.8% of U.S. middle and high school students reported currently using nicotine pouches." As part of its approval, the FDA stated that it "will closely monitor the marketing and use of these products. To reduce the potential for youth exposure to advertising of these products, the authorizations impose stringent marketing restrictions for digital, TV and radio, including measures to ensure ads are carefully targeted to adults ages 21 and older and the demographics of the audiences reached by the ads are tracked and measured by the manufacturer."

In light of FDA's findings and close monitoring of nicotine pouches, enactment this bill would create an unnecessary prohibition of a product that according to the FDA "have the potential to provide a benefit to adults who smoke cigarettes and/or use other smokeless tobacco products that is sufficient to outweigh the risks of the products."

For these reasons, the Capital Region Chamber opposes this legislation.

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