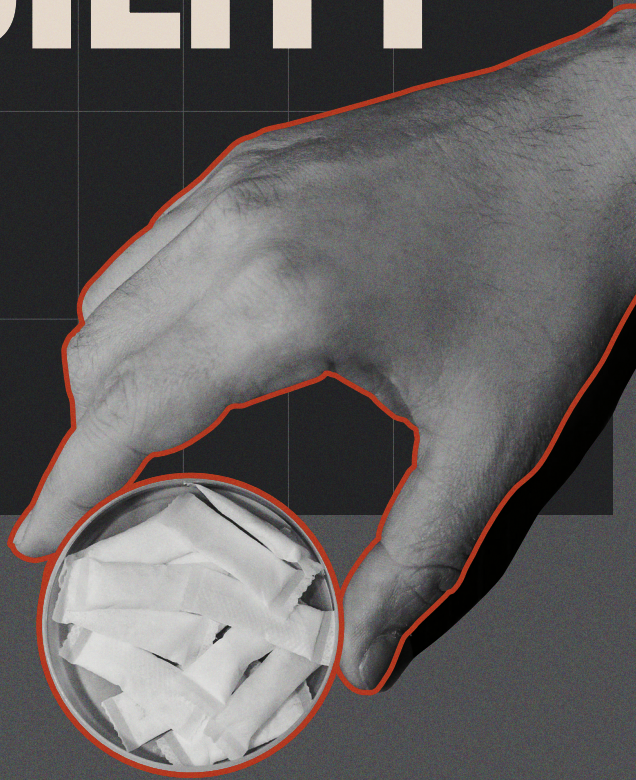


# US POUCH ACCESSIBILITY INDEX 2026

A State-by-State Assessment of  
Nicotine Pouch Regulation,  
Accessibility, and Harm Reduction



**Authors:** Emil Panzaru • Elizabeth Hayes

Despite being one of the most promising recent alternatives to help people quit smoking for good, nicotine pouches are facing significant legal pushback at the state level. However, our US Pouch Index for 2026 shows some good news: a clear majority of 25 states received an A or A+. Such states recognize that nicotine pouches are not tobacco products, that flavors are integral to their adoption by former smokers, taxation should reflect different levels of risk and not encourage taxpayers to opt for more harmful options, and that digital and physical accessibility in convenience stores helps disadvantaged consumers take control of their health. Seven states stand out from the rest for achieving the perfect score of 70 out of 70. When it comes to tobacco harm reduction and nicotine pouch regulations, Arizona, Georgia, Kentucky, Missouri, Tennessee, Virginia, and West Virginia lead the way among U.S. states.

But beneath positive first impressions, the data shows there are more efforts than ever to restrict pouches. No fewer than 27 states misclassify them as tobacco products, even though they may not contain a trace of tobacco. If that were not enough, 14 states impose higher taxes on nicotine pouches than on cigarettes, disincentivizing consumers from the less harmful option of pouch use. Eight more - Iowa, Massachusetts, Michigan, Nebraska, New Mexico, North Carolina, North Dakota, and Texas - drafted laws to do so over the last three years. In addition, three states (Alabama, California, and Louisiana) have extended state registries from tobacco and vape directories to include pouches, often limiting the availability of specific flavors and accessibility in terms of online sales and brick-and-mortar stores.

States that commit these errors find themselves at the bottom of the list. The direct opposite of the A+ entries, California (F with 0 points), Washington D.C. (F with 15 points), Maine (D with 16 points), Utah (D with 25 points), and Vermont (D with 25 points) set a negative example to avoid in public health policy.

Unfortunately, just as with vapes in [our 2024 index](#), bad policies are driven by a distorted image of nicotine pouches. Narratives coming from skeptical health authorities focus on speculative threats regarding the content of pouches and the supposed threat to young adults and children from nicotine pouch consumption.

## Quick Statistics

**25 states** received an A or A+ for nicotine pouch accessibility

**7 states** achieved a perfect score (70/70)

**27 states** misclassify nicotine pouches as tobacco products

**14 states** tax nicotine pouches more heavily than cigarettes

As uncovered during the research for this index, some authorities are explicit about their stance. Minnesota's [Department of Health](#) decries “aggressive marketing, particularly toward young people” and “raises concerns about nicotine addiction and long-term health effects”. The website goes on to paint an alarmist picture of the rise of nicotine pouches based on relative figures, with subsequent paragraphs asserting that “In Minnesota, 5.2% of high school students report ever trying nicotine pouches, according to data from the 2023 Minnesota Youth Tobacco Survey. Nationally, nicotine pouch sales increased by 207.0% between January 2023 and April 2025”. [Rhode Island's website](#) is less specific but no less damning, labelling pouches as “tobacco products contain nicotine, which is addictive and dangerous to developing brains.” and “Nicotine pouches can also poison babies, toddlers, and pets who may accidentally eat them”. Non-state publications, like the University of Maryland's Francis King Carey School of Law, go further and revive the gateway theory, posing pouches as a means to get young people addicted to cigarettes and other dangerous substances based on a 2023 study that found “16 per cent of participants had ever used a nicotine pouch, and 12 per cent reported current use. This study also sounds an alarm that many youth and young adults using nicotine pouches are using them in combination with other tobacco products.”

Vague statements demand precise rebuttals. Rather than relying on a single study, looking more broadly at the emerging literature on nicotine pouches shows that they are chemically different from tobacco options and, as such, the harm derived from their use is orders of magnitude lower than cigarettes. [One of the most extensive meta-reviews](#) in existence (a study of studies which included no less than 62 other papers in its analysis) found that “The chemical composition of ONPs [oral nicotine pouches] suggests fewer harmful/potentially harmful compounds at lower levels than cigarettes.”

The explanation should be familiar. We know from the [wider medical literature](#) that lighting up tobacco is harmful in itself. That makes non-combustible options, like nicotine pouches, safer for one's heart and less toxic (given that many of the toxic compounds in a cigarette only form from fire). Indeed, direct studies show that individuals absorb [nicotine more slowly from pouches than cigarettes](#), to [a similar extent as existing smokeless products](#), contradicting the narrative of a similar addictive profile. Unlike some US state practices, the UK [Royal College of Physicians](#) is confident in science and concludes:

***“In the interests of public health, it is important to promote the use of e-cigarettes, NRT, and other non-tobacco nicotine products as widely as possible as a substitute for smoking in the UK”***

**This endorses pouches as a harm reduction tool.**

Claims about widespread adoption among the young do not stand up on closer inspection, either. Youth consumption patterns, not just first-time use, (which is also often the last time anyone ever tries a nicotine pouch), or relative percentages, (which do not give readers the whole picture without knowing the real underlying rates), are far more optimistic;

according to the [Centers for Disease Control](#), just 2.4% of high school students and 1% of middle schoolers are regular nicotine pouch users. The most systematic adult study currently available in the US further reinforces this finding. The first-ever large-scale survey of nicotine pouch use in the United States is a [cross-sectional study](#) that focuses on 110,000 individuals in the US over three months (spanning from 2022 to 2023). It showed that former smokers, not teens, represent virtually all current nicotine pouch consumers in America.

Finally, there is no real evidence to support a gateway effect. [A review of fifteen articles](#) concluded that “a true gateway effect in youths has not yet been demonstrated”, and that personal factors like levels of anxiety, parental smoking habits, and household income would need to be considered first. [Another study](#) challenges the explanation directly with evidence that adolescents who are less satisfied with their lives are more likely to engage in substance abuse and risky activities, not the other way around. [Other articles](#) point out a selection rather than a treatment mechanism; in other words, personality traits account for why some are willing to take more risks than others and begin smoking. Keeping children and teens away from a habit that they regret later in life is essential, which is precisely why policymakers must understand the actual situation. Nicotine pouches are not the cause. They are, in fact, the solution for many to stop smoking for good.

Keeping this empirical background in mind, we ranked all fifty states, plus the District of Columbia, to inform consumers about nicotine pouch policies in their locality and highlight the need for sober decision-making informed by all available evidence, as well as to compare best practices across states. We used seven factors: whether the state considers nicotine pouches to be tobacco products, state-level flavor restrictions, state registries (which mirror the FDA-authorized database and those awaiting a decision), whether nicotine pouches are taxed more than cigarettes (via higher or additional excise taxes), the presence/absence of online sales bans, restrictions on the points of sale, and the presence/absence of a legal cap on the concentration of nicotine found in retail pouches.

Our first edition of this index uses [statements by state authorities](#), [real-time legal updates](#), [tax authority records](#), and [press articles](#) on the topic. You will find that the index uses a recognizable final mark system where states are ranked from A+ to F based on their raw scores. For more information, we have included the methodology section at the end of the paper, where we go into more detail about how we defined and operationalized each criterion and why we chose the variables that we did.

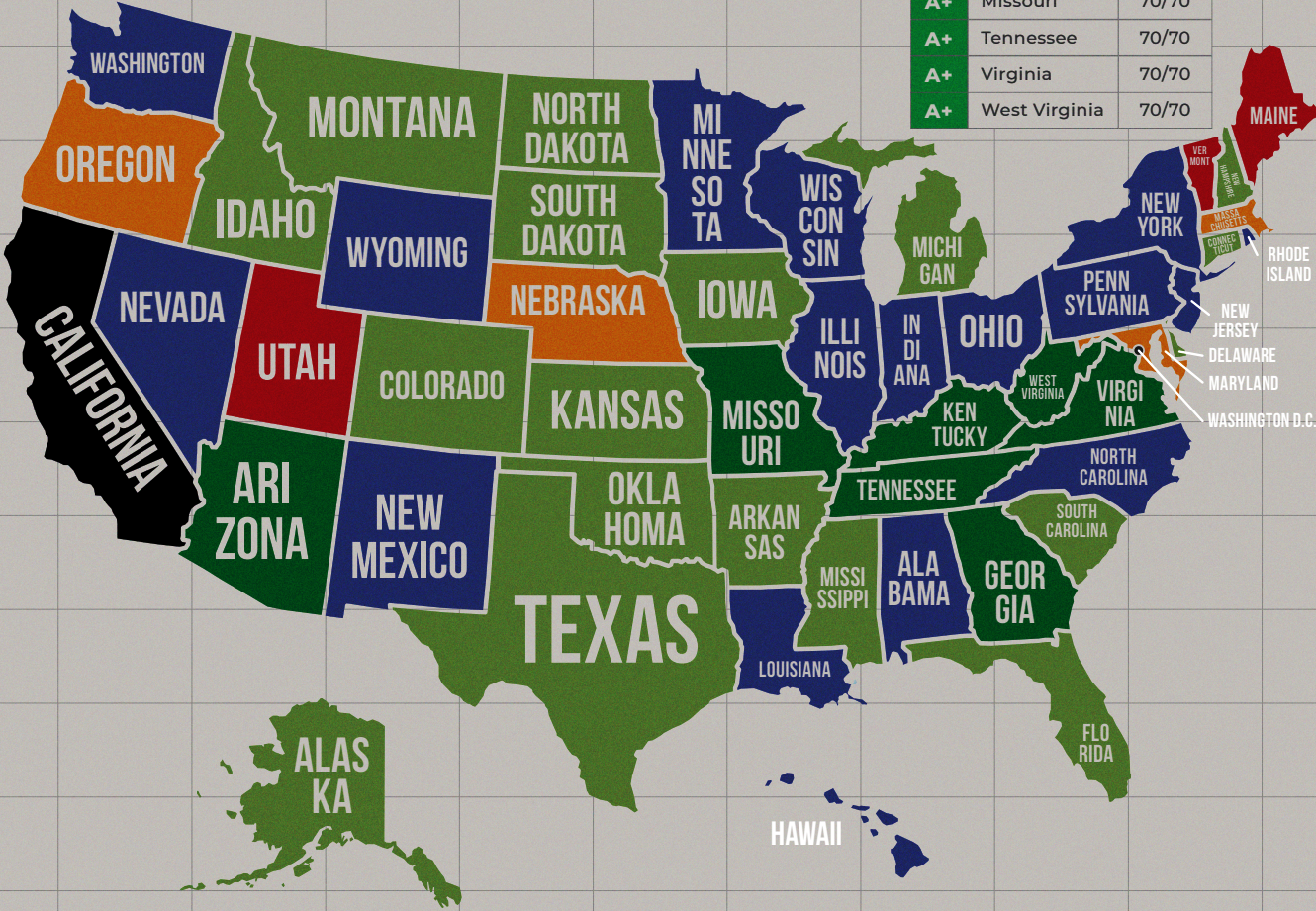
Please note that legal developments reflect the latest available information at the time of this report (January 2026).

# OVERALL SCORE AND ANALYSIS

US Pouch Accessibility Index 2026

<b>A+</b>	70	<b>A</b>	60-69	<b>B</b>	40-59
<b>C</b>	30-39	<b>D</b>	20-29	<b>F</b>	0-15

TOP STATES BY POUCH ACCESSIBILITY SCORES		
STATE	SCORE	
<b>A+</b>	Arizona	70/70
<b>A+</b>	Georgia	70/70
<b>A+</b>	Kentucky	70/70
<b>A+</b>	Missouri	70/70
<b>A+</b>	Tennessee	70/70
<b>A+</b>	Virginia	70/70
<b>A+</b>	West Virginia	70/70



STATE (PLUS THE DISTRICT OF COLUMBIA)	TOTAL SCORE	FINAL MARK
Arizona	70	A+
Georgia	70	A+
Kentucky	70	A+
Missouri	70	A+
Tennessee	70	A+
Virginia	70	A+
West Virginia	70	A+
Alaska	65	A
Delaware	65	A
Florida	65	A
Iowa	65	A
Mississippi	65	A

STATE (PLUS THE DISTRICT OF COLUMBIA)	TOTAL SCORE	FINAL MARK
New Hampshire	65	A
Oklahoma	65	A
South Dakota	65	A
Texas	65	A
Arkansas	60	A
Colorado	60	A
Connecticut	60	A
Idaho	60	A
Kansas	60	A
Michigan	60	A
Montana	60	A
North Dakota	60	A
South Carolina	60	A
Indiana	55	B
New Jersey	55	B
North Carolina	55	B
Pennsylvania	55	B
Alabama	50	B
Illinois	50	B
Louisiana	50	B
Nevada	50	B
Ohio	50	B
Rhode Island	50	B
Wisconsin	50	B
Wyoming	50	B
Hawaii	40	B
Minnesota	40	B
New Mexico	40	B
New York	40	B
Washington	40	B
Maryland	35	C
Massachusetts	35	C
Nebraska	35	C
Oregon	30	C
Maine	25	D
Utah	25	D

STATE (PLUS THE DISTRICT OF COLUMBIA)	TOTAL SCORE	FINAL MARK
Vermont	25	<b>D</b>
D.C.	15	<b>F</b>
California	0	<b>F</b>

Looking purely at the descriptive statistics gives us a hint about the effects of unfounded scepticism towards pouches. Despite A being the modal result (the one with the highest count) among states, B emerges as the median result, splitting the database in equal parts (Indiana) at 55 points. The median indicates the persistence of at least three or more negative regulations for the bottom 50% of the results.

The lowest-ranked states serve as illustrative case studies of how stringent regulations are counterproductive. California achieved the lowest possible score, 0 out of 70 points. [AB3218's](#) article 17 A paragraph i) provides a sweeping definition of a tobacco product, with no regard to differences between pouches, heated tobacco products, vapes or cigarettes: "A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff." The same law added nicotine pouches to its [Unflavored Tobacco List](#), meaning that manufacturers and retailers are automatically banned from selling any item not on the list. California's other laws go even further than that. All seven categories were either entirely or partially affected by prohibitionist rules, which also outlaw online and delivery sales of nicotine pouches, effectively imposing a nicotine cap on all pouch products (as the FDA has only authorized lower concentrations). [L-939](#) establishes a steep 54.27% 'other tobacco tax' on pouches, adding further fuel to the fire.

Far from helping, California's measures have set back smoking cessation by pushing consumers back to cigarettes. California experienced the smallest drop in smoking rates in America between 2012 and 2022, decreasing by just [2.6%](#) from 12.5% to 9.9%. Though there are always multiple factors that can explain a social trend, it is no coincidence that the stagnation began at a time when California cracked down on alternative nicotine products. We know that alternative nicotine products are substitutes, meaning that when nicotine products are not available, then cigarettes become more attractive and smoking rates will increase.

California is no exception to this principle. Unsurprisingly, [an experimental analysis](#) examining the effects of vape flavor bans in San Francisco, using a cross-sectional survey dataset covering 376,963 young adults (ages 18 to 29), found that bans were associated with a 3.6-percentage point (ppt) reduction in daily vaping as well as a 2.2 ppt increase in daily smoking relative to trends in states without restrictions. It is all the more puzzling when recognizing that nicotine pouch use has always been low in the state, with [only 1-2% of adults](#) ever using them in the last 30 days leading up to being surveyed. Not only have pouches never been prevalent for Californians, but traditional tobacco will never truly be eliminated so long as they are consciously excluded. Far from a model to endorse, the Golden State is one to avoid when it comes to nicotine pouches and real tobacco harm reduction.

The same can be said of the other second-lowest-scoring entry, the District of Columbia (15 points). The Department of Licensing and Consumer Protection's [website](#) provides another sweeping definition of tobacco products that conflates all manner of alternatives: "District law defines tobacco products as consumable tobacco or synthesized nicotine products, including but not limited to cigarettes, cigars, pipe tobacco, snuff, and chewing tobacco". If anything, D.C. is stricter than California in some respects, as its flavor ban extends to [all non-flavored pouches](#), encompassing even those permitted by the FDA and on registries like California's. The tax applied to alternative products is 71% of any item's wholesale price.

Most significantly, D.C. is a warning that legal uncertainty is equally destructive to consumer well-being as an explicitly stringent measure. On the 17th of June, 2024, Attorney General [Brian L. Schwalb](#) issued a [subpoena](#) to Zyn, one of the largest nicotine pouch brands in the world, on the basis that the popular product line had allowed the sale of "tens of thousands of flavored products in DC in violation of the District's 2022 ban on flavored tobacco and nicotine products". Although the local government and the firm supposedly settled for \$1.2 million on December 13, 2024, the Attorney General still placed the onus on the firm to ensure local compliance from distributors to the best of their ability. In practice, authorities require parent company Philip Morris International to monitor and effectively enforce the flavor ban as much as possible, sending annual compliance letters to DC distributors and retailers. If there are more than five violations in total (or three in any given year), the business relationship will be terminated.

Such a system generates significant compliance costs. A single company cannot possibly cover an entire district, plus the potential ramifications of dealing with surrounding jurisdictions with different rules; what is the case, instead, is that many retailers decide it is not worth it to deliver to America's capital anymore. For instance, [Swedish Match North America](#) (a subsidiary of Philip Morris) suspended all online sales on ZYN.com in 2024 after receiving the subpoena.

That might sound like good news to policymakers, given their intention to suppress nicotine pouch use. However, it comes at the expense of more illicit options, especially given how easy it is to transport products from neighboring Maryland and Virginia (both of which have different regimes from D.C.), and the fact that 350 new illegal products enter the market each month.

The last time D.C. took comparatively punitive measures was when it hiked its cigarette tax to \$2 a pack. The result was an explosion of loose, illegal cigarettes at bus stops, detailed in a report by the [Washington Post](#). On top of that, D.C.'s pouch policy is so ineffective from a fiscal perspective that it is set to increase what are already the highest comparative costs per smoker in America at \$5,863,664 for each individual (\$122,160 out-of-pocket expenses), according to the latest [Wallet Hub report](#). Now, pouch consumers face a lack of legal clarity and high prices due to the passing on of compliance costs resulting from the same uncertainty. Instead of being safe, they are at a greater risk than ever of having to turn to illegal and unsafe sellers.

Other entries that did not receive an A had a series of smaller drawbacks. Alabama obtained 50 points, equivalent to a B in our scale. The explanation stems from its restrictive stance on pouch flavors and a dispute regarding the specific points of sale for all nicotine products. Initially, the state's HB8 law designated specialty stores (aged 21+) as the only authorized retailers for non-FDA nicotine pouches. However, the requirement was subsequently withdrawn following a settlement reached via legal dispute. [Density studies](#) have already shown that specialty shops are 18% more likely to be found in residential neighborhoods with incomes below 150% of the federal poverty level. Therefore, not only is this restriction unjustified (see the evidence regarding the harm-reduction benefits of pouches above), but the law also disproportionately affects the most vulnerable members of society. It puts them in contact with more harmful products in tobacco shops while making it more bothersome to make the healthier choice when one wants to change for the better. It is good to see that the measure was not ultimately adopted in Alabama, though it is regrettable that it was suggested in the first place.

At the very opposite end of the spectrum are the top contenders, who systematically and successfully apply harm reduction principles. [Title 48, Chapter 11 of Georgia's Code](#) delineates the category of "alternative nicotine product" in its very first paragraph, naming pouches as an example: "any material that contains nicotine, but does not contain tobacco leaf, and is intended for human consumption, whether such material is chewed, absorbed, dissolved, or ingested by any other means. Such term shall include, but shall not be limited to, nicotine gel, pouches, or gum or dissolvable nicotine strips, sticks, lozenges, or pellets". There are no flavor restrictions, and there is no state registry, allowing for the widest variety available on the market to match consumer needs. Taxes on nicotine pouches are consciously lower than for cigarettes (10% of the wholesale price), incentivizing buyers to choose safely. Online sales are fully accessible, and pouches can be found in ordinary convenience stores. Consequently, Georgia's smoking numbers have plummeted by 7.5% in absolute terms, from [19%](#) of all adults in 2013 to [11.2%](#) (closer to the 10.9% national average) in 2024. That is around three times California's rate of smoking decline, despite starting from a much higher base.

Besides Georgia, there are other examples of success stories. Tennessee also earned the maximum score of 70. Its smoking rate has decreased by a quarter from [24.2%](#) in 2016 to [18.5%](#) in 2022. Although the description of pouches remains more skeptical of harm reduction arguments than is warranted, [Tennessee's Department of Health](#) treats them separately as "oral nicotine products" distinct from the general page on "emergent tobacco products". Tennessee has not extended its state registry to include pouches, nor does it ban flavors. Kentucky has followed suit and excluded nicotine pouches from its Pre-Market Tobacco Authorization directory. Missouri boasts all the exclusions mentioned above, and a good definition of [alternative nicotine products](#): "any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means". Arizona carefully notes "alternative nicotine products" in its [licensing laws](#), refusing to treat them as cigarettes. West Virginia's [SB 863](#) is unique, as it explicitly exempts pouches from taxation equivalent to that of cigarettes.

A critic could object that states like West Virginia have some of the highest smoking rates,

so they cannot serve as pertinent positive examples. This objection overlooks the significant decline in rates resulting from effective policies that have narrowed the gap between states like Georgia, Tennessee, and West Virginia compared to California. As nicotine pouches themselves, effective regulation looks to a better future, not just to what worked in the past.

## IMPLICATIONS AND BENEFITS FOR CONSUMERS

Entries that received an A+ or A in this assessment are best positioned to harness the potential of nicotine pouches to help with smoking cessation. The upsides to living in any of the highest-ranked states are clearer policy-level perspectives on the differences between nicotine pouches and tobacco (and the ability to educate consumers on the topic), higher taxes on cigarettes than pouches (incentivizing the far less harmful option), allowing consumers to better tailor their pouching experiences to their needs via online sales and adequate concentrations, promoting local convenience stores, gas stations, vape shops and other independent businesses (which are likelier to suffer from onerous operating and maintenance costs derived from stringent point of sale restrictions), and looking for better ways to protect young people while preserving consumer choice for adults.

- The A+ options show the most potential; however, whether they will maintain a harm-reduction approach in the future remains to be seen.
- Three states (Louisiana, California, and Alabama) have extended their state registries to cover pouches, with the worst practices (California) negatively impacting access via online and digital stores and barring consumers from choosing the nicotine concentration that best suits them.
- The lowest scores in the index (such as those for California, Washington D.C., Maine, Utah, and Vermont) are primarily attributed to a misclassification of nicotine pouches as tobacco products. This misclassification enables an incorrect blanket application of existing tobacco prohibitions to nicotine pouches.

*Research note: We continually strive to improve the quality of our indices' underlying data and further refine their methodology. We sometimes face contradictory and vague information, indicators measured differently by different states, and constant shifts in legislation (where a stalled bill may be adopted or a law is suddenly abandoned). We ask the index readers to acknowledge the difficulties in working with heterogeneous data and caution users to be aware of the underlying complications.*

*Furthermore, what makes a state "good" for each individual can have a distinct qualitative element. Please remember, then, that our assessments are strictly quantitative and non-normative. We are not passing moral judgment on a state's goodness and badness or downplaying personal experiences by ranking one state lower than another. We are simply highlighting takeaways based on the data available at the time of this index.*

# METHODOLOGY

The maximum score is 70. The index employs an equal-weighting formula with a simple sum aggregation method. In other words, each category nets a state a maximum of ten points, and the final tally merely adds up all the points from the seven variables.

This model reflects the vital importance of all seven criteria to the state of vaping policy in America and highlights their interconnectedness. For example, misclassifying nicotine pouches as tobacco products enables flavor bans and higher taxation under existing “other tobacco products” categories, while making it easier to place pouches on existing state registries. In turn, selling pouches online or in non-specialist stores becomes impossible, further decreasing affordability for millions of consumers looking to quit smoking.

Moreover, the composite indicator’s methodology avoids making subjective judgments on the importance of one nicotine pouch policy over another while being easy to read and understand for both consumers and policymakers.

## 1. The State Classifies Nicotine Pouches As Tobacco Products

The category primarily consists of a dyad – a yes/no option based on whether the state in question lists nicotine pouches among tobacco products in various pieces of legislation (whether through taxation, or any other tobacco or pouch-related bill).

The index also considers edge cases where policymakers introduced legislation or executive orders to treat pouches as tobacco products, but which have yet to be fully adopted. For instance, Delaware’s [House Bill 215](#) aimed to reclassify pouches in this manner; however, the law has been stuck in committee since May 2025, leaving the ultimate fate of these less harmful alternatives unknown for now.

Similarly, the present report notes legislative efforts along the lines of [Palmer v. Philip Morris International Inc.](#) and Swedish Match North America LLC in Florida, pending a full ruling.

The text considers cases where some authorities recommend reclassifying nicotine pouches without taking concrete legal measures. This is the case in Oklahoma, where the [Tobacco Settlement Endowment Trust](#) has issued a recommendation for emergent nicotine products to be treated similarly to cigarettes. Though misguided and incorrect, a simple recommendation does not have the force of law, and Oklahoma retains 10 points for this category.

Yes = 0 points

Edge cases = 5 points

No = 10 points

## 2. State-Level Nicotine Pouch Flavor Bans

This category refers to any legislation a state adopts that goes beyond the Food and Drug Administration’s list of authorized nicotine pouches that are flavored.

That means taking the initiative to ban all flavors beyond those found in specific products already authorized by the FDA. The prohibited products may be awaiting a pre-market tobacco authorization decision, may not be assessed by federal authorities at all, might not be authorized in higher concentrations, or a combination of all factors.

Similar to the previous category, the composite indicator records edge cases. The latter are situations where a bill introducing a flavor ban was attempted and met with mixed or no success. For example, Alabama intended to ban all non-FDA-authorized flavors after October 2025; however, the implementation was put on hold due to a [court case](#). Other situations refer to actions taken by the Attorney General in that state. [Minnesota's AG](#) has acted against non-FDA flavors, even without legislation. These scenarios all earn a state five points due to the uncertainty they create for ordinary consumers' futures.

The report documents any city- or county-level bans without penalizing the state, given the independence of local councils. [Columbus](#) in Ohio or [Evanston](#) in Illinois are examples of cities that have taken initiatives on their own accord, and in the case of Columbus, against the wishes of state-level policymakers. Thus, it would be a category error to remove points for these situations.

Yes = 0 points

Edge cases (marked with "No, but" in the database) = 5 points

No = 10 points

### 3. State Registry For Nicotine Pouches

Policymakers sometimes turn to the Pre-Market Tobacco Application (PMTA) Registry Bills already available for vapes to define limits to pouch use in their state.

Understanding how that might affect nicotine pouches at a state level requires a short explanation of the FDA process and recent changes to that process. Any nicotine pouch manufacturer who wants to market their product in the US must submit a PMTA application and obtain a marketing order. To date, the FDA has authorized [26 nicotine pouch products](#), 10 of which are flavored (Chill, Cinnamon, Citrus, Coffee, Cool Mint, Menthol, Peppermint, Smooth, Spearmint, Wintergreen).

Since September 2025, the agency has committed to a pilot program aimed at accelerating the authorization process, which typically takes years to complete. This accelerated formula applies the lessons of harm reduction as being part of a "[continuum of risks](#)". In practice, this means that nicotine pouches are officially recognized as lower-risk alternatives to cigarettes and, therefore, are more likely to be authorized by the FDA. Compare, in this sense, the high FDA authorization rates for pouch flavors to the almost nonexistent authorization of flavors for vapes (only tobacco and menthol).

Considering this background, politicians in states without flavor bans often utilize the FDA's bureaucratic process to create statewide registries that only permit nicotine pouches that have been authorized by the FDA or have a pending PMTA. Such is the case in Louisiana,

which does not have a tobacco flavor ban, but where policymakers have extended the [Vape Directory](#) to pouches. This has negatively impacted the availability of pouches and hindered consumers' accessibility to these less harmful nicotine alternative products.

At the same time, however, it is essential to note that the role of state registries can vary from state to state. In the case of Massachusetts, allowing for a state registry would, paradoxically, increase consumer choice. That is because the Commonwealth has a strict flavor ban, whereas a registry in line with the FDA would at least allow for a selection of 10 flavored products. Similarly, North Carolina and Alabama's registries do allow for a wide array of products, including those under review by the FDA.

Noting these nuances, our research focuses on the clear negative consequences of a state registry.

Again, this criterion notes edge cases, where laws to create state registries are pending, in committee, and still being debated. These cases create more uncertainty and, consequently, result in a 5-point loss for that state. State registries that aren't as stringent still limit the number of future options consumers have, so they also received 5 points.

Yes = 0 points

Edge cases = 5 points

No=10 points

#### **4. Higher Taxes On Pouches**

States levy taxes on nicotine pouches based on formulas that take into account nicotine levels, prices, and size. The two most common are ad valorem, which represents a certain percentage of the wholesale or retail price of a vape, and volume-based metrics, which incur a certain amount per ounce or can.

States that rank low in the taxation index allow for higher and/or additional levies on pouches than traditional cigarettes.

As before, where legislation is still pending, consumers and local businesses can expect to be harmed by the uncertainty, and a state loses points.

Yes = 0 points

Edge cases (marked with "No, but" in the database) = 5 points

No=10 points

#### **5. Online Sales Allowed**

The ability to buy alternative nicotine products online is a necessary tool for adult consumers who prefer custom sizes, concentrations, and more options that local shops may not always have in stock. Using age-restricted websites to procure these products helps consumers conveniently and quickly order what they need directly to their home. It also helps grow independent businesses that can legally stock and ship products directly to consumers. These legal online marketplaces do their best to comply with tax and age-restriction laws, ensuring

the rules are followed to the best of everyone's ability and adhere to both state and federal regulations. These legal online marketplaces also comply with tax and age-restriction laws, ensuring the rules are followed to the best of everyone's ability and in compliance with both state and federal authorities.

The states that do not allow or severely restrict online sales are, therefore, given a poor score for consumer-friendly pouch regulations.

Once more, the index makes room for edge cases in which only certain products are banned (like Louisiana, Massachusetts, and Hawaii), where some restrictions applied to vaping flavors have affected nicotine pouch sales (like New Hampshire, New Mexico, and New York), and where proposed legislation would extend to online flavor bans (like New Jersey).

Yes = 10 points

Edge cases (marked with "Yes, but") = 5 points

No = 0 points

## **6. Restrictions On Points Of Sale**

This category can net an entry full points if authorities do not restrict the sale of pouches to designated specialty stores and adult-only (21 years or older) locales. All adult consumers need to have easy access to alternatives that help them quit smoking for good no matter where they happen to live; any extra effort makes it that much harder for people to live better lives.

Similar to all other categories in this index, edge cases are accounted for with half (five) points. Direct edge cases include those in which only some flavors are explicitly prohibited. Indirect edge cases are those where restrictions are achieved via state registries, and those situations in which limits on other nicotine alternatives (like vapes) have impacted pouch sales.

Yes = 0 points

Edge cases (marked with "No, but") = 5 points

No = 10 points

## **7. Nicotine Caps**

A state earns full entry points if it does not attempt to control the concentration of nicotine in a can of pouches, either directly or indirectly. Currently, FDA-authorized pouches range in strength from 3 milligrams to 9 milligrams, whereas the highest market standard approaches 15 milligrams or more.

There is no state-level cap on nicotine levels, although in some cases, limits are de facto achieved by state registries (such as Alabama, California, and Washington, D.C.) or exist locally (Ludlow and Amherst in Massachusetts).

Yes = 0 points

Edge cases (marked with "No, but") = 5 points

No = 0 points



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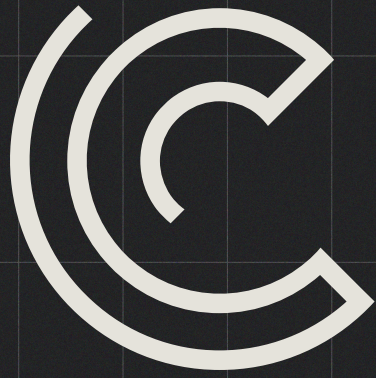


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