

**June 10, 2022**

**ATTORNEY GENERAL RAOUL LEADS BIPARTISAN COALITION CALLING ON THE FDA TO REGULATE  
NON-TOBACCO NICOTINE PRODUCTS**

***Raoul, State AGs Highlight Dangers of Unregulated Nicotine Products and Appeal to Youth***

**Chicago** — Attorney General Kwame Raoul, along with Idaho Attorney General Lawrence Wasden, Nebraska Attorney General Doug Peterson and Pennsylvania Attorney General Josh Shapiro, today led a bipartisan coalition of 31 attorneys general urging the U.S. Food and Drug Administration (FDA) to reject marketing authorization for all non-tobacco nicotine products, which 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, Raoul and the coalition insist the FDA must impose the same restrictions required of tobacco-derived nicotine products.

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 Joe Biden gives the FDA jurisdiction to regulate these products and requires that manufacturers now seek FDA approval to sell them.

“Synthetic nicotine manufacturers are marketing an unregulated combination of chemicals used to create nicotine and to flavor their products in ways that appeal to young people. We don’t know the long-term health effects of many of these ingredients, but we do know that these products have been major contributors to the recent epidemic of youth e-cigarette use,” Raoul said. “That is why we are calling on the FDA to take swift action to regulate non-tobacco nicotine products.”

[In today's letter](#), Raoul and the coalition argue that these products currently fail to satisfy the FDA’s public health standard, and that public health should not be gambled on the unknown effects.

If the FDA grants marketing authorization to non-tobacco nicotine products, despite the health risks to consumers and especially to youth, Raoul and the coalition maintain 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 do not sell tobacco. These regulatory disparities create incentives for more manufacturers to switch to non-tobacco nicotine products, expanding the problem.

Raoul and the coalition argue 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.

Today's letter is part of Raoul's ongoing work to combat the dramatic increase in youth e-cigarette use and holding e-cigarette manufacturers accountable for epidemic usage levels among youth and teens. In 2021, Gov. J.B. Pritzker signed into law Raoul's legislation that prohibits companies from marketing e-cigarettes to minors, misleading advertising and the sale of adulterated e-cigarettes. In 2020, Raoul filed a lawsuit against Juice Man LLC over allegations the company allegedly developed and marketed its products to attract minors. In 2019, Raoul's office filed a lawsuit, which is ongoing, against the nation's largest e-cigarette manufacturer, Juul Labs Inc. The Attorney General's office is also continuing to evaluate other e-cigarette manufacturers as part of a continuing investigation into the e-cigarette industry. Additionally, Raoul has urged the FDA to ban flavored tobacco products and to strengthen e-cigarette guidance by prioritizing enforcement actions against flavored e-cigarettes.

For more information and free resources to help quit tobacco, please visit the Illinois Tobacco Quitline website or call 1-866-QUIT-YES.

Joining Raoul and the other lead attorneys general in sending the letter are the attorneys general of Alaska, California, Colorado, Delaware, District of Columbia, Guam, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Northern Mariana Islands, Oregon, Puerto Rico, Rhode Island, South Dakota, Vermont, Washington, Wisconsin and Wyoming.