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Sponsor Statement HB 224 Banning the Sale of Products Containing Nicotine to a Minor

Faced with lagging sales given the unpopularity and banning of smoking in many public places, tobacco companies are investing in new and innovative ways to deliver their product. Some of the newest items on the market, called “dissolvable products” are mints, lozenges, strips and toothpicks containing nicotine. These products slowly dissolve in the mouth and deliver a nicotine hit between 0.6 and 3.0 mg per item while a cigarette contains 1 mg of nicotine (Brandweek, 2008). Some have legitimate uses for promoting smoking cessation and providing smokers relief when they are in situations where they cannot smoke. However, the opportunity for abuse is wide with the over the counter availability of dissolvable products containing nicotine.

HB 224 makes it illegal to sell or give a product containing nicotine to individuals under the age of 19 by adding “product containing nicotine” to AS.11.76.100, the Alaska statute governing the sale of tobacco products to minors. Under this bill an individual is fined \$300 if convicted of selling or giving a product containing nicotine to a minor.

HB 224 addresses the need for minors to access products such as nicotine gum if they are trying to quit smoking by allowing a minor to purchase products containing nicotine with a physician’s prescription or to be given the product by an adult parent or guardian.

There is a very real risk that increased nicotine use in youth and adolescents promotes addiction to nicotine at a young age and could encourage future tobacco use and addiction (Science Daily, 2003). A recent Harvard School of Public Health study found dissolvable nicotine products to be toxic if ingested by children (Harvard School of Public Health, 2010). A 14-year old boy in England was hospitalized after overdosing on nicotine gum (Vapure News, 2009).

Many of the products containing nicotine that are entering the market now look and taste like candy. A study conducted by student volunteers in Virginia surveyed 1400 teens and 42% identified Camel Orbs as a candy based on their packaging (Virginia Foundation for Healthy Youth, 2010). According to Brandweek, a professional publication on brand identity marketing, “camel dissolvable will not be positioned as a smoking cessation or reduced risk product, per the company” (Brandweek, 2008). Products containing nicotine are not subject to FDCA Chapter IX, the regulations that govern tobacco (Chicago Breaking News, 2011).

Without the regulation of products containing nicotine by the state there is an increased chance of children becoming addicted to nicotine, and tobacco later in life. Many of these products are new to the market and have not yet been introduced in Alaska. HB 224 takes a proactive approach to encouraging the responsible use of dissolvable nicotine products.