



**Testimony of Sofia Hamilton  
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**To the Joint Committee on Public Health,  
General Court of the Commonwealth of Massachusetts**

**July 14, 2025**

**RE: Americans for Prosperity in Opposition to H.2562/S.1568, An Act to Create a Nicotine Free Generation.**

Dear Chair Driscoll, Chair Decker, and Members of the Committee,

On behalf of Americans for Prosperity, a nationwide grassroots advocacy organization that works to increase opportunities for all Americans, I am submitting the following comments regarding H.2562/S.1568, An Act to Create a Nicotine Free Generation.

If passed, this bill will ban entire generations of adults from ever legally purchasing nicotine or tobacco products. While we can understand and empathize with the desire to instill healthier habits into the lives of the American people, this piece of legislation is not the answer to creating a “nicotine free generation” as it fails to recognize three key things: smoking and vaping rates are already trending downward, many nicotine products are important harm reduction tools, and consenting adults deserve the right to make their own decisions regarding their health and lifestyle choices.

Nationally, both youth smoking and vaping rates are at a historic low. The 2024 National Youth Tobacco Survey, conducted by the Food and Drug Administration and Centers for Disease Control and Prevention found that youth e-cigarette use, the most used tobacco product, decreased to 5.9 percent in 2024.<sup>1</sup> It should be noted that the World Health Organization categorizes countries as being “smoke free” once less than five percent of their population is smoking. 8.1 percent of middle and high school students reported current use of any tobacco product — this is the lowest reported rate of tobacco use since the National Youth Tobacco Survey began in 1999.<sup>2</sup>

If the General Court were to pass this bill, any adult born after 2005 would be barred from purchasing all nicotine and tobacco products — not just cigarettes and vapes. This means access to products like nicotine pouches would be restricted from future generations. Nicotine pouches are a harm reduction tool that many adults prefer to use because they are a safer alternative to heated tobacco products like cigarettes. As the FDA and other public health agencies have noted, the health risk from smoking stems largely from the byproducts of burning tobacco rather than nicotine itself. As such, products with non-

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<sup>1</sup> Ahmed Jamal et al., “Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024,” Centers for Disease Control and Prevention, October 17, 2024, [https://www.cdc.gov/mmwr/volumes/73/wr/mm7341a2.htm?s\\_cid=mm7341a2\\_w](https://www.cdc.gov/mmwr/volumes/73/wr/mm7341a2.htm?s_cid=mm7341a2_w).

<sup>2</sup> Ibid.

carcinogenic nicotine delivery methods, like nicotine pouches, can be an effective tool for helping smokers transition away from more dangerous forms of nicotine consumption.

H.2562/S.1568 fails to treat adults as dignified human beings capable of risk-benefit analysis, instead it relies on paternalistic prohibition policies to force consumers to make what the General Counsel deems to be the better decision. This bill would strip away adult consumers' freedom to choose for themselves, allowing the government to do so in their place.

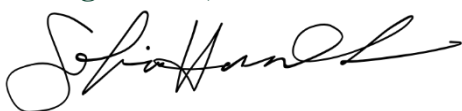
Several studies have shown that similar tobacco and nicotine bans have failed to work in this state. In 2020, Massachusetts became the first state to enact a complete ban on sales of flavored tobacco and menthol cigarettes. Although 30 million fewer cigarette packs were sold within Massachusetts the year after the flavor ban went into effect, sales in the counties surrounding Massachusetts saw a comparable rise.<sup>3</sup> When faced with a ban they didn't want, Bay Staters sourced their preferred tobacco products across state lines rather than changing the behavior their government deemed "bad."

A complete ban such as the one proposed in H.2562/S.1568 would have even lower prospects for success. Under the flavored tobacco ban, consumers could still access legal alternatives like Zyn and other nicotine products as potential replacements. A complete ban leaves consumers with no in-state substitutes and even more reason to shop across state lines or in the illicit market.

This piece of legislation is, unfortunately, not the way to continue lowering the rate of smoking. Looking forward, Massachusetts should commit itself to harm reduction policies that empower its residents to make informed decisions for their health. Blanket bans and prohibitions have never and will never be the path towards a healthier Massachusetts.

We appreciate the Committee opening this subject up for comment and are hopeful that Massachusetts will empower its adult residents to make choices for themselves.

**With gratitude,**



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<sup>3</sup> Jacob James Rich, "Estimates of Cross-Border Menthol Cigarette Sales Following the Comprehensive Tobacco Flavor Ban in Massachusetts," medRxiv, April 27, 2022, <https://www.medrxiv.org/content/10.1101/2022.04.24.22274236v1>.