



Rapidly Emerging Nicotine Market Puts Vermont Kids at Risk and Outpaces Regulation

Support for S.198 by the Coalition for Tobacco Free Vermont and the
Campaign for Tobacco Free Kids
Jill Sudhoff-Guerin

S.198 - “Affordability Reform”

Measures to reduce tobacco use puts more \$ into people’s wallets and the state Medicaid budget. “When the fee is insufficient to cover the costs of compliance checks and enforcement, community residents are essentially subsidizing the sale of commercial tobacco.” Public Health Law

\$404 million

Vermont’s Annual cost of treating tobacco-related health care diseases

\$93.7 million

Medicaid costs caused by tobacco use in Vermont

\$998

Per household State & federal tax burden from smoking-caused government expenditures

\$576.2 million in productivity losses due to smoking

1,000 Vermonters Die From Tobacco Use Annually
29.8% of VT cancer deaths attributable to smoking

Marketing Budget vs. Tobacco Control Budget

\$15.8 m.

Spent in VT on
tobacco
marketing

\$2.7 m.

State funding on
tobacco control

“Today, the tobacco industry continues to outspend tobacco control efforts by a factor of at least 12 to 1 annually with more than \$8.5 billion spent in tobacco-related advertising and promotion. (Campaign for Tobacco-Free Kids 2023; Federal Trade Commission 2023a,b).” - [Vivek Murthy, Surgeon General, 2024](#)

**Approx.
\$75 m.**

Raised in tobacco
tax revenue

**Approx.
\$23 m.**

In Master
Settlement dollars

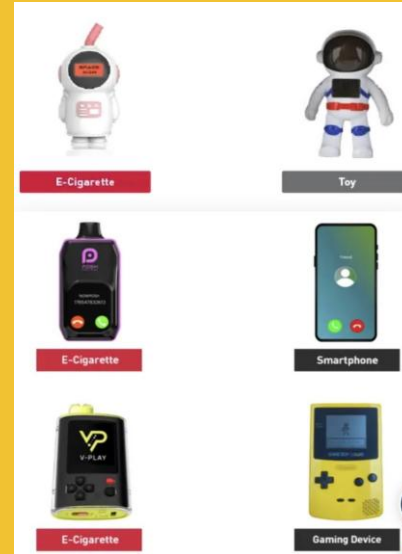
Tobacco Industry Continues to Appeal to Young People with Emerging Tobacco Products



High Nicotine Disposable Vapes



Nicotine Pouches



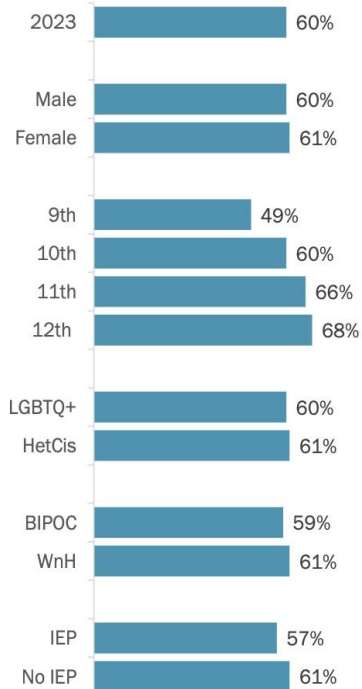
"Smart Vapes"

"Nicotine Free" Vapes



Kids say it is easy to get tobacco products

Percent of high school students who say it would be sort of or very easy to get electronic vapor products if they wanted them.



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Tobacco Companies Flouting Instagram Restrictions To Target Young People, Study Argues

By HealthDay | Jan. 28, 2026, at 6:55 a.m.

“This study demonstrates that Instagram’s policies on tobacco advertising are not only being poorly enforced, but also do little to safeguard users from content promoting tobacco and nicotine use,” she continued. “Alarmingly, Instagram and other social media platforms continue to allow tobacco and e-cigarette companies to directly market to young people through various policy loopholes — including one that allows tobacco, e-cigarette and nicotine pouch brands to amass tens of thousands of followers.”

Posts from tobacco companies ignored regulations in several ways:

- More than two-thirds (70%) of tobacco-related posts contained web links to commercial tobacco websites;
- Nearly 42% of tobacco messaging from influencers or celebrities didn’t disclose a financial relationship with the brand;
- Only 41% carried an age warning label, while 73% carried a health warning label.

Zynfluencers Drive Health Confusion & Spike in Pouch Sales

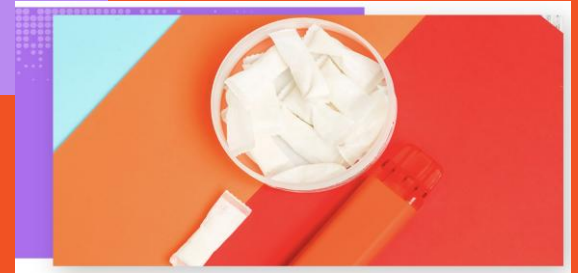
Nicotine pouches are the second-most commonly used tobacco product among youth, with nearly half a million middle and high school students using nicotine pouches in 2024.

RESEARCH ARTICLE

Viral "Zynfluencer" TikTok videos may be linked to growing oral nicotine pouch sales

Jan. 13, 2026 | 2 min read

Influencers Are Spinning Nicotine as a 'Natural' Health Hack



Spike in pouch-related TikTok content followed by sales boom

According to Truth Initiative analysis, the oral nicotine pouch market grew at a steady rate for 2.5 years. Then, a viral spike in pouch content on TikTok was followed by a significant acceleration in the market growth rate – showing a sales increase of more than 12 million, rising to over 20 million in the next month.

Toy-like products = 4th graders and Vape Use

“Did you know that the average age at which kids first try vaping nicotine is just 9 years old? Yes, you read that right — 9 years old, which is typically fourth grade. Hard to believe, but this is the reality we’re facing.” – Lila Bennett: Flavor Hooks Kids, [Times Argus Sep 23, 2025](#)

“Vapes are designed to appeal to kids: They smell and taste sweet, and the colorful, eye-catching packaging makes them hard to resist. Many kids don’t understand the risks associated with e-cigarettes, but they do recognize that the products are specifically marketed toward them.”

“One of the key strengths of our program is that it is not fear- or shame-based. We focus on supporting students, listening to their concerns, and offering healthy alternatives for stress management, emotional regulation, and risk understanding. Students want to talk, and they need a place where they feel heard.”

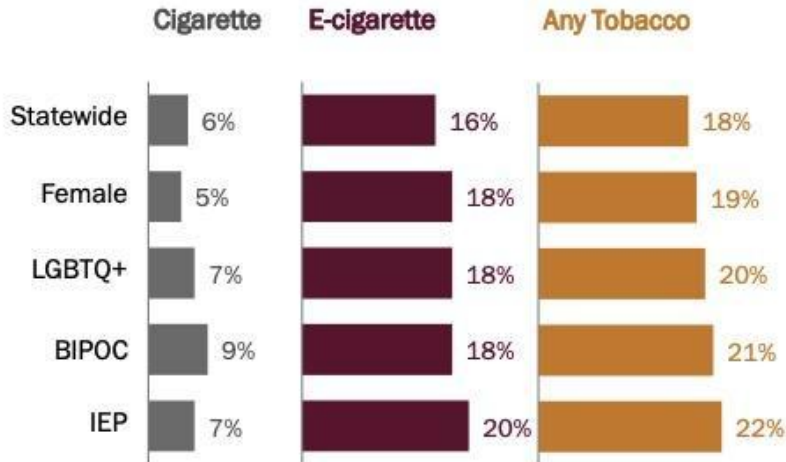


Three addictive possibilities delivered together: Nicotine, screens, and video games

Impact on Vermont adolescents - the numbers

High School Rate 16.1%,
Middle School 7% - 2023 YRBS

High school e-cigarette and any tobacco use is statistically higher for Vermont high school students who are female, LGBTQ+, BIPOC and/or have an IEP*.



Source: VT YRBS, 2023

37%

of the high school students who reported use of e-cigarettes use daily

What products are in our schools? Public Health Response to Research

Over two school years (2023-2025) we collected **512 confiscated nicotine vapes and vaping products** from high schools and middle schools across VT.



First yr 34.7% of confiscated vapes - Loon

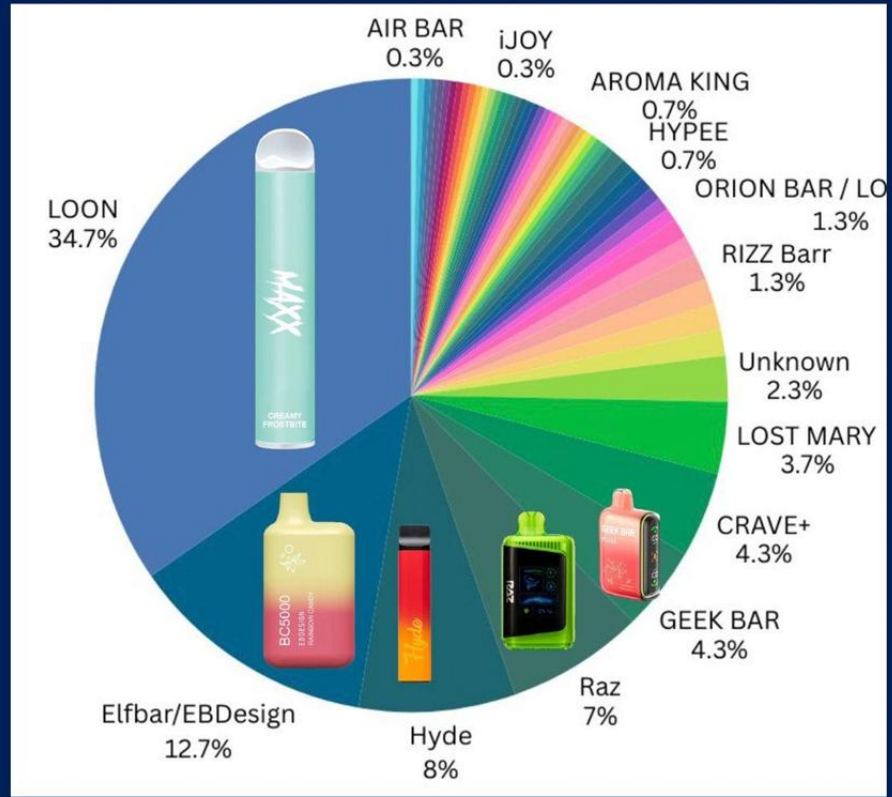
Collection Results (2023-2024 School Year)

Disposable Vapes
249 - 83%

Not Tobacco Flavored:
298 - 99%

THC vapes:
34 (10% of total collection)

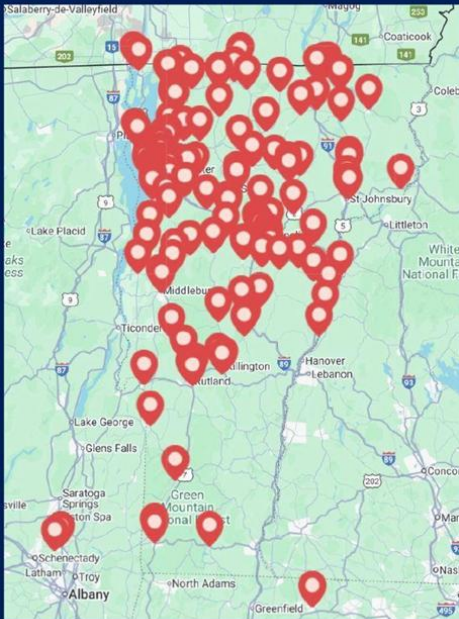
One Off Vapes
37 - 12%



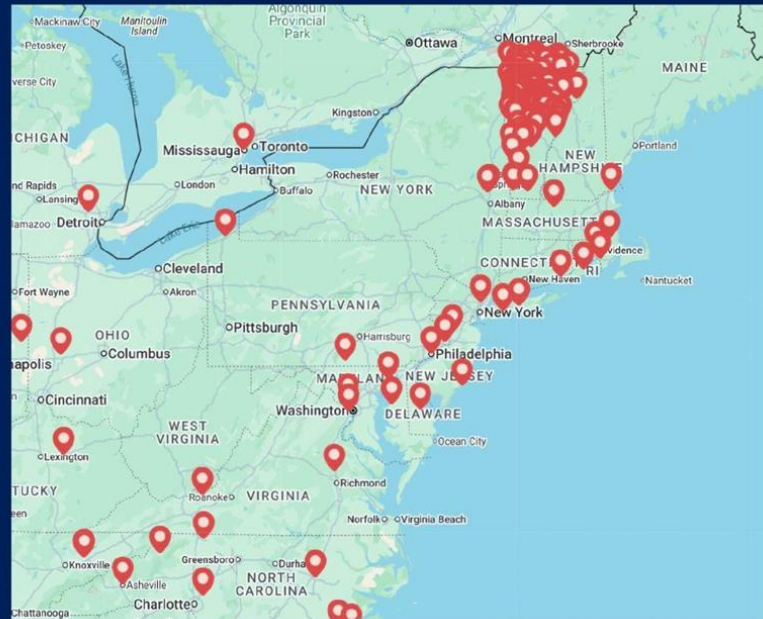
Loon - VT retail favorite?

Loon Retail Map

Map of Loon Retailers in VT



Map of Loon Retailers in Eastern US



Second yr 40.1 % of confiscated vapes - Geek

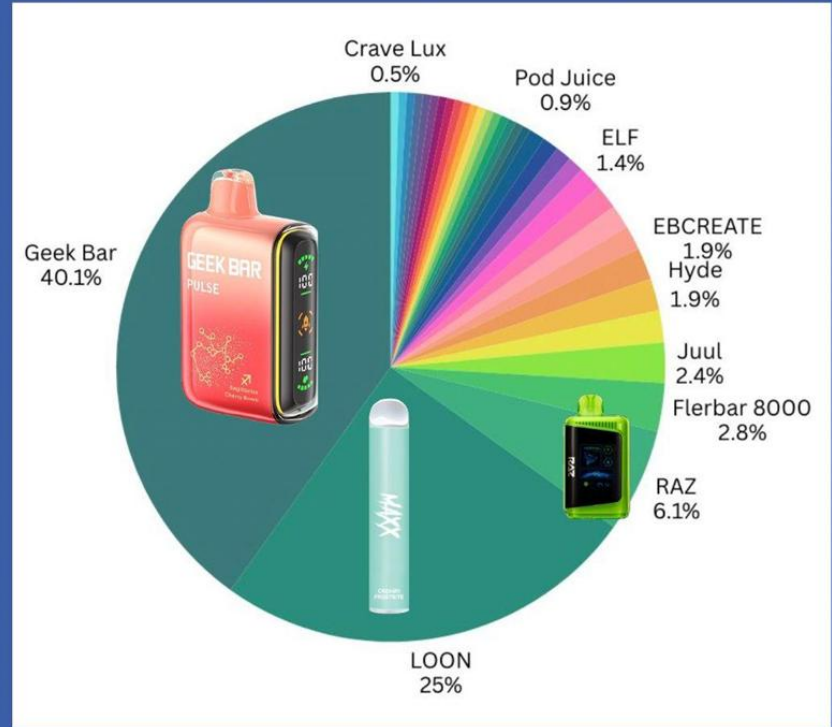
Collection Results (2024-2025 School Year)

Disposable Vapes
194 - 92%

Not Tobacco Flavored:
212 - 100%

THC vapes:
40 (17% of total collection)

One Off Vapes
23 - 11%



Nicotine Content is Super High, Geekbar has a light up display

The screenshot shows the Geekbar website's product page for the '2 FLAVOR Series'. The navigation bar includes 'GEEK BAR', 'HOME', 'VPU', 'PRODUCTS', 'VERIFY PRODUCT', 'INFO CENTER', 'WHOLESALE', 'SUPPORT', and 'LANGUAGE'. The main heading is '2 FLAVOR Series Flavors'. Below this, four flavor options are displayed in individual cards, each featuring a Geekbar device and a circular collage of fruits:

- Double Apple A&B**: Green device with a background of green and red apples.
- Peach&Watermelon**: Pink device with a background of peaches and watermelon slices.
- Peach&Berries**: Blue device with a background of peaches, raspberries, and blueberries.
- Sour Candy&Sour Fruits**: Light green device with a background of lemons, limes, and oranges.

Each card has a 'Wp & Product' icon at the bottom right. A small '4' icon is visible on the left side of the page.

**E-CIGARETTES ARE MORE
KID-FRIENDLY AND
ADDICTIVE THAN EVER**

ONE JUUL POD CONTAINS THE
SAME NICOTINE AS:

**1 PACK
OF CIGARETTES**



DISPOSABLE E-CIGS TODAY CAN
CONTAIN THE SAME NICOTINE AS:

**20+ PACKS
OF CIGARETTES**



Let's Eliminate tobacco laws that punish youth.

What are “PUP laws”? Laws that penalize purchase, use, and possession, commonly referred to as “PUP laws,” seek to punish youth for buying, using, or having tobacco products if they are under 21 years old.

- Penalizing kids is not an effective strategy to reduce youth tobacco use.
- “PUP” laws unfairly punish and stigmatize kids, many of whom become addicted because of the tobacco industry’s aggressive marketing to kids.
- PUP laws are also inequitable because they disproportionately affect youth of color
- Youth access laws should target retailers—not youth—to effectively restrict sales to minors



“Nicotine use and dependence is a growing problem and there is a need for different interventions around it. Many schools have been operating with a lot of older policies that are mostly punitive. What that looks like is that a student might be suspended from school because of current e-cigarette use and what we've seen is that this this doesn't achieve what we think it's going to achieve. It doesn't do what we want to. It basically, disengages this young person from their school and their community and it distances them further from adults who can help. So that also ignores the potential that this youth has an untreated mental health issue or concerns around nicotine dependence that are driving their use. There's definitely also concern about how equitably punitive policies are enforced for the students who are found in possession of tobacco products. So, I encourage this Committee to focus on whether punitive policies actually achieve what we want and consider focusing on other areas that might limit use, interest and access to tobacco products including considering the role of tobacco industry and influencing that and the retailer's responsibilities as well.” Dr. Lauren Faricy, Pediatric Pulmonologist 3-1-2023

Removing PUP Laws+Strong TRL=Health Equity Policies

According to the Public Health Law Center and Campaign for Tobacco Free Kids several states have removed PUP: Connecticut, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New York and Rhode Island



“Rather than holding individuals, especially youth, accountable, we support holding business and industry accountable for violations. Through aggressive marketing by the tobacco industry, the use of menthol by Black people has grown from 5% in 1953 to 85% of black adult smokers and 7 out of 10 black youth smokers today. In schools, restorative justice principles should guide responses to student violations. We recommend eliminating the youth purchase, use, and possession penalties from this bill. - Letter to Sen. Econ in 2022 from Windham Cty NAACP

- PUP laws undermine tobacco prevention efforts
- PUP laws are counterproductive in combating nicotine addiction
- PUP laws shift focus from the industry and its targeted marketing of youth
- PUP laws perpetuate inequities and contribute to interaction with law enforcement

Online Compliance Data

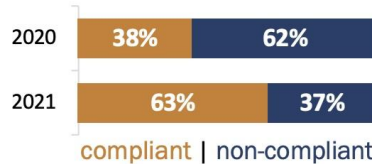
Online Retailer Compliance with Delivery Sales Ban

Rising compliance means online access has decreased, with room to improve.

📈 Online retailer compliance increased markedly over the previous year.

Through funding from the Vermont Tobacco Control Program, DLL maintains a comprehensive list of online tobacco retailers and tests them for compliance with the delivery sales ban. Between 2020 and 2021, DLL tested **273 unique retailers**, some multiple times.

In 2021, 63% of tested online retailers were in **compliance**, compared to only 38% in 2020.⁸



🤝 The partnership between VTCP, DLL & AGO strengthens enforcement.

The online retailers that DLL finds to be non-compliant with Vermont's delivery sales ban are referred to the Office of the Vermont Attorney General (AGO).

As of November 2021, the partnership between VTCP, DLL and AGO has resulted in **21 settlements with non-compliant online retailers, bringing in \$618,000 in penalties** to the state and contributing to improved compliance.⁹ The vast majority of these funds went to the State of Vermont general fund.

Please support the compliance investigator originally in this bill. As of April 2024, the state has collected \$942,750 in settlements from retailers making illegal online sales for delivery in Vermont. The settlements indicate progress in enforcement but highlight the ongoing challenges in preventing illegal sales of e-cigarette products.



Vermont Cracks Down on Online Vape Sales, Rutland Retailers Adapt with Focus on Reusables

Nov 16, 2025

“Vermont regulators touted incremental victories against illicit online vaping sales on Monday, announcing more than \$1.3 million in penalties collected since 2020, even as they warned lawmakers of stubborn gaps allowing flavored disposables to reach underage buyers. The update came during legislative briefings, where officials from the Attorney General's Office and the Department of Liquor and Lottery (DLL) detailed a 2025 pilot program that uncovered nine illegal transactions through sting operations. Despite a 91% compliance rate at physical stores, online evasion tactics (including social media ads and shipments from out-of-state vendors) continue to fuel youth access, prompting calls for more robust monitoring.”

**“We’re not disposable...we’re the generation of change”
– Emerson Lynn, Feb. 27, 2026**



Ms. Lunna was quoted as saying,

“I need everyone to hear this. It’s not a kids making dumb choices issue. This is an industry issue. Big tobacco didn’t disappear; they got smarter. They took addiction and turned it into something flavored, colorful, and easy to hide. They made it look harmless because harmless sells. They target young people on purpose. Because to them, we are not students. We are not children. We are customers. But we are not disposable. Our lungs are not disposable. Our brains are not disposable. Our futures are not disposable. We are not the next generation of profit. We are the generation of change.”