

Legal Alert

November 2024 | www.skslegal.pl

Nicotine pouches – draft national regulation!

On November 29, 2024, as an auto-amendment to the already-pending amendment to the Law on Health Protection against the Effects of Tobacco and Tobacco Products (UD86), which originally assumed the regulation of e-cigarettes without nicotine, **provisions on nicotine pouches were added.**

The proposed regulations do **not ban nicotine pouches**; however, they do **introduce restrictions** analogous to those currently provided for tobacco products and e-cigarettes.

According to the proposed regulations, the **definition of nicotine pouches (PL: “woreczki nikotynowe”)** is to read as follows: “All products for oral use, except those intended for inhalation, not containing tobacco, but containing nicotine, mixed or unmixed with other ingredients, which are portioned into pouches or available in pouches”.

The proposed regulations will, among others:

1. **introduce a ban on nicotine pouches sale (i)** to persons under 18 years old, **(ii)** on the premises of entities performing therapeutic activities within the meaning of the regulations on therapeutic activities, schools and educational institutions and sports and recreational facilities, **(iii)** in vending machines, **(iv)** in the self-service system, and **(v)** at a distance (including via the Internet);
2. **introduce a ban on advertising and promotion;**
3. **result in the need to report information on the above-mentioned products to the President of the Bureau of Chemical Substances** at least 6 months prior to the date on which new or modified nicotine pouches are placed on the market;
4. result in the need to adjust the composition of the above-mentioned products to the requirements of the Act (e.g., the prohibition of substances with CMR properties);
5. result in the need for appropriate **labeling of** the nicotine pouches, including the inclusion of a health warning “This product harms your health and causes addiction” (PL: “Ten wyrób szkodzi Twojemu zdrowiu i powoduje uzależnienie”);

6. **result in the possibility of selling only nicotine pouches containing ingredients that impart the smell or taste of tobacco;**
7. **set the maximum nicotine content at 20 mg/g.**

The draft legislation provides for a sanction for violations of the above-mentioned obligations.

According to the draft act, nicotine pouches that do not comply with composition and labeling requirements will be allowed to remain on the market for no longer than 6 months from the date of entry into force of the law.

The draft act is available at the [LINK](#)

Contact us!



Jacek Myszko

Partner, attorney-at-law

☎ +48 660 617 009

✉ jacek.myszko@skslegal.pl



Ewelina Woike-Reguła

Associate, attorney-at-law

☎ +48 882 630 939

✉ ewelina.woike-regula@skslegal.pl



Katarzyna Wójcik

Associate, attorney-at-law

☎ +48 539 673 159

✉ katarzyna.wojcik@skslegal.pl