

01/27/2026

SB355

Nick Reinecker: Private Citizen-Neutral

Senate Federal and State Affairs

Chair. Senator Mike Thompson



The intent of this neutral testimony pertaining to “electronic cigarettes” is to provide an objective analysis of key regulatory considerations, including the distinction between regulation and prohibition, differences between natural and synthetic nicotine, the interplay between state and federal oversight, ingredient listing requirements, relevant FDA and Generally Recognized As Safe (GRAS) standards, and the balance between regulatory burdens, public safety and individual liberty.¹

Both the State and Federal Controlled Substances Act (CSA) do not classify nicotine (tobacco) as a controlled substance, the Food and Drug Administration (FDA) asserts regulatory authority over tobacco products, including electronic cigarettes and/or synthetic nicotine. Regulatory frameworks may differentiate between these sources, favoring stricter controls or outright prohibition of synthetic nicotine yet in contrast, natural nicotine products may be subject to rudimentary regulation based on historical usage, existing standards, and principles of limited government. Policymakers should consider the implications of treating synthetic and natural substances differently, including potential impacts on consumer protection, market dynamics, and enforcement feasibility. Prohibition of synthetic nicotine products is one policy option but may result in unintended consequences such as illicit market growth and enforcement challenges. Regulation, by contrast, allows for oversight of product safety, quality, and marketing while permitting lawful commerce.

A key aspect of any proposed bill regulating “electronic cigarettes” is the requirement for manufacturers to disclose product ingredients. The FDA mandates reporting of Harmful and Potentially Harmful Constituents² in tobacco products, and some ingredients may be designated as GRAS for specific uses. State-level requirements may exceed federal standards by demanding more comprehensive ingredient disclosures or imposing stricter criteria for approval. Such measures can enhance transparency and consumer safety but may also increase compliance costs for manufacturers. Licensing fees and regulatory requirements are critical considerations in crafting effective legislation, whereas, excessive fees or onerous requirements may deter legitimate manufacturers, stifle innovation, and reduce market competition. Conversely, insufficient oversight may compromise consumer safety and public health. The optimal regulatory framework balances these factors, ensuring robust safety standards and transparency while minimizing undue burden on businesses and consumers. Legislators should assess the proportionality of proposed fees, administrative processes, and compliance obligations in relation to other objectives of the bill. The regulation of synthetic nicotine delivery devices, particularly electronic cigarettes, presents complex policy challenges. Legislators are encouraged to weigh the merits of regulation versus prohibition and consider distinctions between natural and synthetic substances while promoting constitutional liberty, choice and preference provided to the individuals of Kansas.

¹ [Generally Recognized as Safe \(GRAS\) | FDA](#)

² [Harmful and Potentially Harmful Constituents in Tobacco Products and Tobacco Smoke: Established List | FDA](#)