

Decrees, orders, circulars

GENERAL TEXTS

MINISTRY OF LABOUR, HEALTH, SOLIDARITY AND FAMILIES

Decree No 2025-898 of 5 September 2025 concerning the ban on products for oral use containing nicotine

NOR: TSSP2430826D

Target audiences: manufacturers, importers, distributors and retailers of products containing nicotine, and users.

Purpose: implementation of the ban on products for oral use containing nicotine, with the exception of medicinal products and medical devices.

Due to its danger to human health, nicotine is classified under Article L. 5132-1 of the Public Health Code as a poisonous substance and may only be used or marketed under certain conditions, such as in the case of the products already regulated (tobacco products, vaping products and health products). Article L. 5132-8 of the same code authorises the ban on any operation relating to poisonous substances by a decree of the Council of State. This decree defines the products for oral use containing nicotine, in particular in the form of single-serve sachets or porous sachets, paste, balls, liquids, chewing gum, lozenges, strips or any combination of these forms, that are subject to the ban, and specifies the conditions under which these products are banned. It also provides for exceptions to this ban.

Entry into force: the text enters into force six months after its publication.

Application: this decree is a stand-alone decree.

The Prime Minister,

Based on the report of the Minister of Labour, Health, Solidarity and Families,

Having regard to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005, as amended, on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC;

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, as amended, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety;

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services;

Having regard to the Public Health Code, in particular Articles L. 5132-1, L. 5132-7 and L. 5132-8;

Having regard to notification No 2025/0110/FR addressed to the European Commission on 24 February 2025; Having heard the Council of State (Social Affairs Section),

Hereby decrees:

Art. 1. – Subsection 2 of Section 2 of Chapter II of Title III of Book I of Part Five of the Public Health Code is supplemented by two articles worded as follows:

“Art. R. 5132-45. – The production, manufacture, transport, import, export, possession, offering, transfer, acquisition and use of products for oral use containing nicotine are banned within the national territory.

“Products for oral use containing nicotine are considered to be all manufactured products consisting wholly or partly of synthetic or natural nicotine, packaged for sale, irrespective of their presentation, and intended for human consumption by ingestion or absorption.

“The ban mentioned in the first paragraph does not apply to:

“1. Chewing tobacco;

“2. Medicinal products within the meaning of Articles L. 5111-1 and L. 5121-1-1, medical devices within the meaning of Articles L. 5211-1 and L. 5221-1 and raw materials for pharmaceutical use as defined in Article L. 5138-2;

“3. Foodstuffs within the meaning of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, that naturally contain nicotine or that comply with Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC.

“Art. R. 5132-46. – Exceptions from the ban laid down in Article R. 5132-45 may be granted for research purposes by order of the Minister of Health.

“The conditions and procedures for these exceptions are specified by order of the Minister of Health and the Minister of Research.”

Art. 2 - Chapter I of Title II of Book V of Part Five of the Public Health Code is supplemented by an article worded as follows:

“Art. R. 5521-36. – Articles R. 5132-96-1 and R. 5132-96-2 are applicable to Wallis and Futuna in their version resulting from Decree No. 2025-898 of 5 September 2025.”

Art. 3 - This decree enters into force on the first day of the seventh month following that of its publication.

Art. 4 - The Minister of State, Minister of National Education, Higher Education and Research, the Minister of State, Minister of Overseas Territories, the Minister of Labour, Health, Solidarity and Families, the Minister attached to the Minister of State, Minister of National Education, Higher Education and Research, responsible for Higher Education and Research, and the Minister attached to the Minister of Labour, Health, Solidarity and Families, responsible for Health and Access to Care, are each responsible for the execution of this decree, which will be published in the *Official Journal* of the French Republic.

Signed on 5 September 2025.

By the Prime Minister:

FRANÇOIS BAYROU

*The Minister of Labour, Health,
Solidarity and Families,*

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