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To: Delores G. Kelley, Chair
Brian J. Feldman, Vice Chair, and
Senate Finance Committee

From: **Major Neill Franklin (Ret.), on behalf of the
Law Enforcement Action Partnership (LEAP)**

Oppose - Senate Bill 233

Business Regulation – Flavored Tobacco Products - Prohibition

Hearing: Thursday, February 13, 2020, 1:00 p.m.

Distinguished Senators of Maryland, thank you for the opportunity to submit written testimony. I am representing myself and the Law Enforcement Action Partnership (LEAP), of which I am the executive director. LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety policies. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP oppose SB233 because it is an unscientific, reactionary policy that would have negative public safety outcomes.

I understand why you're considering this legislation. It comes from the same desire I had as a narcotics task force commander to stamp out the drug sales that were causing harm to my community. We are all on the side of public health and safety, but I can practically guarantee that SB233 would take us further from our shared goals.

Having spent 34 years working drug cases for the Maryland State Police and Baltimore Police Departments, I've learned that drug bans (prohibitions) endanger the health and safety of communities even more than drugs themselves.

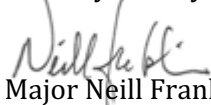
Banning menthol is not going to make the demand for menthol products go away. We know this because illegal drugs are used by people in every community in every state across this country. What does that say about prohibition? It says that when there is a high demand, an illegal market will fill the void if a legal, regulated market does not. Rather than reduce or eliminate harmful activities, drug bans actually create crime that need police resources to enforce.

It is a well-known fact that over 80 percent of African Americans who smoke prefer menthol cigarettes. There is no factual basis to assert that a menthol cigarette ban will stop African Americans from smoking. In fact, the unintended consequences of such a racially discriminatory ban will set the stage for more negative and counterproductive interactions between law enforcement and African Americans.

Law enforcement leaders like Law Enforcement Action Partnership (LEAP), National Organization of Black Law Enforcement Executives (NOBLE), National Latino Officers Association (NLOA), Grand Council of Guardians, and National Association of Black Law Enforcement Officers (NABLEO) have stated countless times that a ban on menthol cigarettes will have unintended negative consequences, especially for African Americans.

Menthol bans are not neutral policies designed to reduce all types of smoking. If we truly believed that bans would stop smoking, we would outlaw all cigarettes. Instead, by going after menthol products, we only criminalize the selling of tobacco products favored by Black smokers, creating yet another reason for police to go into communities of color. We don't need another Eric Garner, who was stopped by police while selling loose cigarettes illegally and died in police custody and we certainly don't need another Freddie Gray, so I urge you for an unfavorable report on SB233.

Thank you for your time,



Major Neill Franklin (Ret.)

Executive Director

The Law Enforcement Action Partnership

Formerly with the Maryland State Police and Baltimore Police Departments

**This testimony does not necessarily represent the views of these departments.*