



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

121 Mystic Avenue, Suite 9
Medford, Massachusetts 02155
T: (781) 393.6985

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Date: Feb 13, 2020

Re: SB 233 - Business Regulation - Flavored Tobacco Products - Prohibition

Position: Oppose

To: Senate Finance Committee

Distinguished Members of the Committee,

Thank you for allowing me to speak on this issue on behalf of myself and the Law Enforcement Action Partnership.

When we speak about tobacco bans, it's not a question of whether we think smoking is a habit to be encouraged. At this point is there anyone who still believes this? But the question isn't about whether smoking is healthy. It's about whether a ban will improve the communities in which it's instituted, and I believe it will not.

Banning menthol tobacco puts law enforcement in a difficult spot. Prohibiting a substance only serves to make it vastly more profitable. The vast majority of black smokers prefer menthol cigarettes to other forms of tobacco, and so were there to be a ban, the illegal market that will inevitably rise will take place largely in black communities. There will be violence between competing factions of street corner operations. Police will be called into these already over-policed areas both because of this violence and because even though our time would be better spent investigating violent crime, there are easy arrests to be made in any outdoor illegal market. More arrests mean more promotions for police.

The intentions behind this ban come from a good place - it seems commonsense that banning a product would make it less likely to be used, especially by children. However, police know the reverse is true. Any time you create an illegal market, children are used for holding, moving, and selling the illicit products. That gives them more access to those products and makes them more likely to enter the perpetual cycle of the criminal justice system, from which many of them will never emerge.

Once we take menthol from the hands of licensed, regulated, taxed businesspeople and put it into the hands of street sellers who don't check IDs, children will have greater access than ever.

Bans simply don't work as a way to keep cigarettes away from kids, but we know what does: treatment and education. We know this because it worked with cigarettes, whose rate of use has dropped tremendously over the past three decades as we've educated people on the harms of tobacco, given current smokers the resources to quit, and prevented potential new smokers from starting.

Why do we give white people the freedom to make their own decisions, but want to criminalize black people for making the wrong ones?

Thank you for the opportunity to share my experience in opposition to this bill.

Captain Joseph Perez (Ret.)
Prince George's County Police Department
Speaker, Law Enforcement Action Partnership