

OPPOSITION to SB 233

BANNING MENTHOL CIGARETTES:

MAKING THE WAY FOR ANOTHER 'ERIC GARNER'

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As a police captain and Maryland resident, I must often review how we navigate police use of force situations; how we police the legalization and decriminalization of marijuana; and I study how members of the Black community are faring in police encounters.

In 2009, the Family Smoking Prevention and Control Act gave the Food and Drug Administration (FDA) the authority to regulate tobacco products. FDA research made clear that the use of menthol cigarettes impacts people of color, as it is their choice of cigarette. The idea of banning menthol cigarettes as a way to stem smoking in the Black community gained traction. Unfortunately, public policy experts did not adequately weigh the disparate impact the ban would have on communities of color by increasing police encounters. No one should endure a stop for "smoking while black" just because they prefer a menthol cigarette. Having 27 years in law enforcement, I have seen how the best-intentioned law seem to impact disadvantaged communities most. From the Supreme Court's support of pretextual stops to the use of crack cocaine sentencing that target black and brown people, our communities of color are being adversely hit, and its citizens amassing arrests, criminal records, and jail time for minor offenses. This stresses the Black community's financial and mental health resources, and places families on a downward spiral difficult to recover from.

I believe that the criminalization of menthol cigarettes will lead to a black market, and that Black people will continue to use a product that has been deemed illegal, while all other subsets of tobacco will continue to be legal to use. As a result, Black people will continue to be disparately impacted by an unjust criminal justice system, under the guise of public health advocacy. We do not need more tragic incidents such as the Eric Garner death, created through the over-policing of a group of people.

I ask that the ban on menthol cigarettes be abandoned, and that the approach to the problem of smoking in the Black community be backed by sound public health policy and sufficient resources. Cigarette smoking concerns should be addressed in a

humane, responsible, and educated way, designed to empower communities, not criminalize them for making a choice that others take for granted.