



## **Delegate Frank Turner**

Members of the Committee -

It's come to my attention that the Legislature - in attempting to address the youth vaping epidemic - is considering a ban on menthol cigarettes in the state, and as a former Vice-Chair of the House Ways and Means Committee in particular, I'm very concerned about some of the unintended consequences of this legislation.

Very simply, I'm afraid that this approach will expand illegal activity. Research confirms what common sense already tells us: because menthol restrictions amount to an outright ban for smokers who favor that variety, they will resort to illegal sources – an easy thing to do given the nearby presence of states like Virginia and Delaware that are already major suppliers, costing tens of millions of dollars in revenues.

Increasing this loss of revenues, of course, would be one unintended consequence of bigger black markets – one estimate puts additional foregone taxes at more than \$200 million. But there would be other, equally serious outcomes:

- Potentially stopping and even reversing progress in preventing youth smoking. The youth smoking rate has been declining rapidly, especially in Maryland, where the most recent available figures show it dropping more than a third from 2011 to 2017. Black marketers selling loose cigarettes near schools are not going to check IDs or obey the new law restricting sales to 21 and older.
- Tainting the cigarette supply. Cigarettes are deadly over time, but tainted supplies could be even more deadly and immediately. The recent fatal vaping lung disease outbreak has been mostly attributed to fake THC vape brands (also aimed at children) with a dangerous additive. The same thing could happen to bootleg mentholized cigarettes.
- Increased crime. Black markets and violent crime go together, as gangs, organized crime and even terrorist seek to muscle in and control territories. Law enforcement groups have

warned not only of the difficulty of enforcement, but of additional strains on already stretched first responders.

- Further overcriminalization of communities of color. There's a long and well-documented history of the sale of loosies – unpackaged single cigarettes – in Baltimore and other communities of color, and menthol is by far the flavor of choice for African-Americans. Put those facts together, and you have a formula for more confrontations of young adult blacks in particular, and maybe even another incident like Eric Garner, the Staten Island man choked to death in a police crackdown on loosies.

Finally, a menthol cigarette ban represents the wrong solution at the wrong time. The plummeting youth smoking rate – down from nearly 16% to just 5.8% in less than a decade – and the overall decline in smoking demonstrates that education and cessation efforts, along with increased legal restrictions, are already working. In fact, both Maryland and the federal government have just established a new legal age for tobacco sales of 21 years, which should be given time to take effect before drastic and potentially counterproductive course of action are pursued, along with doubling down on investments in smoking prevention programs and smoking cessation programs.

Thank you for considering these views. I hope you'll take a step back before approving rash measures like a menthol ban that have the potential to do far more harm than good.

Sincerely,

Frank Turner