

Madam Chair, Mr. Vice Chair, and the members of the Finance Committee,

I am writing to you today to express my concern about proposed legislation that would ban menthol flavored products. This bill is certainly well intentioned, it is imperative that tobacco products stay out of the hands of the youth. However, the unintended consequences would be detrimental. Not only is a menthol cigarette ban not the answer, it's not even the question.

By looking at the Food and Drug Administration's (FDA) websites on youth tobacco trends, the source of the problem is clear: the far-greater concern of public health authorities is the rising prevalence of electronic cigarettes among underage users. FDA's page focuses almost entirely on rising e-cigarette use: "While cigarette smoking is at an all-time low among high school students, increases in e-cigarette use have reversed progress made in the decline of overall youth tobacco use."

One step could reverse the progress in reducing youth smoking: expanding the black market. And that would be the obvious unintended consequence of a prohibitionist approach to menthol cigarettes. Surveys suggest that anywhere from a quarter to nearly 90% of menthol sales would simply shift to illicit markets, which – especially if it is true that youth prefer menthol – could entirely undo the effect of raising the age restriction. Very simply, illegal sellers do not observe legal or contractual restrictions on sales.

The conclusion is clear: the legislature's focus now should be on continuing to combat youth vaping and especially, the alarming rise in potentially deadly THC vaping, and not on a menthol ban that could reverse "significant" continuing progress in reducing youth smoking by unintentionally fueling the rise in black markets.

Sincerely,

Scott Bujack