

February 13, 2020

Chairperson Delores G. Kelley
Finance Committee of the Maryland Senate
Miller Senate Office Building, 3 East Wing
11 Bladen St
Annapolis, M.D. 21401



Finance Committee on SB-0233 the Business Regulation – Flavored Tobacco Products – Prohibition Act of 2020

Written Testimony of Queen Adesuyi, Policy Manager, Drug Policy Alliance

The Drug Policy Alliance (DPA) appreciates the opportunity to submit written testimony to the Committee regarding SB0233, the Business Regulation – Flavored Tobacco Products – Prohibition Act of 2020. DPA advocates for drug policies that are grounded in science, compassion, health and human rights, with a core mission to reduce the harms associated with drug use and drug prohibition. DPA does not support the legislation under consideration by the Committee.

Several states and jurisdictions have considered bans on flavored tobacco with the intention of reducing the rates of youth use and access to tobacco and nicotine products. Though well intentioned, sweeping bans such as SB-0233 will have disastrous unintended consequences on communities, public health, and public safety.

Decades of the war on drugs and prohibitionist policies have failed at reducing use of illicit substances. In fact, prohibition, sweeping bans, and criminalization all have worked to exacerbate the harms associated with substance use and have complicated public health and public safety goals.

SB-0233 lists several flavors that will fall beneath a potential ban, including candy, fruit, or spice-like flavors. One of the notable flavors on the list is menthol, a flavor that provides a cooling taste and masks the taste of tobacco. While about 29% of White smokers report consuming menthol cigarettes, menthol cigarettes are the cigarettes of choice of 88% of African-Americans smokers.¹ In considering such a sweeping ban on flavored tobacco products, it is critical to understand the serious unintended and racially disproportionate consequences that would be borne of this approach to a public health issue.

Since the 1970s, the United States has waged a devastating war on drugs, the harms of which have been concentrated among poor people and people of color. The prohibition has led to unprecedented levels of incarceration and marginalization of communities of color, without a correlating reduction of problematic drug use or drug-related harms. The overreliance on prohibition, punishment and criminalization, and the underutilization of evidence-based education, social supports, and harm reduction have created significant, lasting effects among communities of color – loss of employment, housing, or federal benefits, separation of families, and loss of economic and social mobility.

It is concerning, then, to consider SB-0233 and the effect that menthol cigarette bans disproportionately will have on chronically overpoliced communities. Banning menthol cigarettes may turn individuals to an illicit market, further increasing their risk of harmful encounters with law enforcement and potentially adulterated products. Reducing the frequency of youth e-cigarette use is an important and achievable goal. It is not best accomplished through the application of prohibition-based policies, which do not account for the autonomy or dignity of people who use drugs and unfairly burden marginalized and overpoliced communities.

Thank you again for the opportunity to submit written testimony. We hope the Committee will reach out with any further questions regarding our position on this legislation and the unintended harmful consequences of banning flavored tobacco products.

Sincerely,

A handwritten signature in black ink, appearing to read "Queen Adesuyi".

Queen Adesuyi
Office of National Affairs
Drug Policy Alliance

¹ Gary A. Giovino, et al, "Differential trends in cigarette smoking in the USA: is menthol slowing progress?" *BMJ: Tobacco Control*, 2013, available at <https://tobaccocontrol.bmj.com/content/24/1/28>