

## Testimony for Maryland General Assembly Economic Matters Committee HB0134

February 10, 2021

To: Chair Dereck E. Davis and the House Economic Matters Committee

### Unfavorable: Written Testimony

My name is Rev. Peter J. Spann. I am an over 20-year resident of Maryland. I am also a husband and father of 2 minor children. I am a pastor with deep roots in Maryland and my community. In addition to being a pastor, I practiced law for over a decade in this state. My community involvement includes coaching youth basketball, working with social justice organizations and working to make sure that our great state has the best people representing us in every level of government.

This issue is important to me as a member of the community and a concerned citizen. **I am therefore asking this committee to not place a prohibition on flavored tobacco products.** The prohibition will have a disproportionate affect on minority communities; lead to the unnecessary use of police resources and engagement; and hurt small and neighborhood businesses.

First and foremost, **I want the committee to know that I do not condone the use of tobacco products.** I think that all tobacco products are unhealthy and lead people down the road to sickness, addiction, and untimely death. Since we as a nation and state have not reached the moral temerity to end the use of all tobacco products, we should not purposefully injure certain communities that participate in this still legal practice.

Additionally, statistics show that menthol cigarette bans will affect communities of color more than other groups because **88% of African American tobacco users prefer menthol tobacco products.** By deliberately targeting these products for prohibition, we would be immediately criminalizing the African American community. We know that cigarettes are addictive, and it is impossible to believe that an entire community could quit cold turkey. Moreover, the refusal to include high-end, expensive cigars in this legislation that also include flavors is telling. It is telling because we know that those cigars are mostly used by White Americans. We should not get into the habit of segregating our laws, whether it be intentional or unintentional.

We are living in a time where police engagement with minority communities needs to be rethought and reimaged. It is for that reason alone - menthol cigarette bans will create illegal markets that will increase policing in communities of color and will increase the sale of unregulated tobacco products that could have far more harmful chemicals. The illegal market and attempts by law enforcement to enforce this legislation will lead to fines, arrests, and incarceration of those who sell menthol cigarettes and will increase negative police encounters with those who will be confronted to reveal the source of their illegal supply.

Unfortunately, one of these harmful law enforcement engagements was video taped 5 years ago when Eric Garner was murdered. Mr. Garner was selling “loose cigarettes” in Staten Island, NY when he was killed on the streets at the hand of the New York City Police Department. There is no need to create any more unnecessary interactions with police and minority communities when there is no need to do so.

I also would like to note, a menthol cigarette ban may force neighborhood stores to close because they depend upon the sale of tobacco products to stay in business, employ members of the community and provide communities with basic essentials like milk, bread, diapers and medicine. Many of these neighborhood stores are small businesses. The recent pandemic has had a devastating effect on small and neighborhood businesses. Now is not the time for the state to add to their burdens.

Lastly, enforcing menthol cigarette bans will prevent our state from focusing on more pressing challenges like crime rates, homelessness, unemployment, drug overdoses and affordable housing. All of these issues do not have the adequate resources and this legislation would add to the burden and crises we already face.

I am therefore deeply opposed to this legislation and I hope that this committee will take my testimony seriously and rethink this endeavor. I know there is a better way to make Maryland safe and protect minority communities and businesses.

In Service to Christ,

Rev. Peter J. Spann, JD, M.Div.