



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: February 10, 2021

Re: HBI34 - Business Regulation - Flavored Tobacco Products - Prohibition

Position: **OPPOSE**

To: Maryland House – Economic Matters Committee

Distinguished Delegates of Maryland,

Thank you for the opportunity to submit written testimony. I am representing myself and the Law Enforcement Action Partnership (LEAP), of which I am the past executive director and current board member. LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety policies. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP oppose HBI34 because it is an unscientific, reactionary policy that would have negative public safety outcomes.

I understand why you're considering this legislation. It comes from the same desire I had as a narcotics task force commander to stamp out the drug sales that were causing harm to my community. We are all on the side of public health and safety, but I can practically guarantee that HBI34 would take us further from our shared goals.

Having spent 34 years working drug cases for the Maryland State Police, Baltimore Police Department and the Maryland Transit Police Force, I've learned that drug bans (prohibitions) endanger the health and safety of communities even more than drugs themselves.

Banning menthol is not going to make the demand for menthol products go away. We know this because illegal drugs are used by people in every community in every state across this country. What does that say about prohibition? It says that when there is a high demand, an illegal market will fill the void if a legal, regulated market does not. Rather than reduce or eliminate

harmful activities, drug bans actually create crime that require police resources to enforce.

It is a well-known fact that over 80 percent of African Americans who smoke prefer menthol cigarettes. There is no factual basis to assert that a menthol cigarette ban will stop African Americans from smoking them. In fact, the unintended consequences of such a racially discriminatory ban will set the stage for more negative and counterproductive interactions between law enforcement and African Americans.

Law enforcement leaders like Law Enforcement Action Partnership (LEAP), National Organization of Black Law Enforcement Executives (NOBLE), National Latino Officers Association (NLOA), Grand Council of Guardians, and National Association of Black Law Enforcement Officers (NABLEO) have stated countless times that a ban on menthol cigarettes will have unintended negative consequences, especially for African Americans.

We know that you do not intend to criminalize the possession of menthol cigarettes, but when you prohibit legal sales, you instantly create a robust illicit market where children become the sought-after employees for the organized crime vendors (gangs, crews and cartels). Additionally, when the police are told to crack down on these violent competitive markets, they know how to squeeze information out of the using population by stopping and threatening to arrest them for minor violations, such as “J” Walking or Disorderly Conduct. “Tell us where you’re getting your cigs and I’ll let you go.” We all know the drill. We need less police action, not more.

Menthol bans are not neutral policies designed to reduce all types of smoking. If we truly believed that bans would stop smoking, we would outlaw all cigarettes. Instead, by going after menthol products, we only criminalize the selling of tobacco products favored by Black smokers, creating yet another reason for police to go into communities of color. We don’t need another Eric Garner, who was stopped by police while selling loose cigarettes illegally and died in police custody and we certainly don’t need another Freddie Gray. Please render an unfavorable report for HBI34.

Thank you for your time,



Major Neill Franklin (Ret.)

