

Charles P. Wilson

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In Opposition to Senate Bill # 0259

To the Distinguished Members of the Senate Finance Committee,

My name is Charles Wilson. I am a retired career law enforcement officer of more than 45 years' service, the immediate past Chairman of the National Association of Black Law Enforcement Officers, Inc. (NABLEO), a non-profit organization representing over 10,000 men and women of color working as criminal justice system practitioners, and a resident of the State of Maryland. I wish first to say thank you for allowing me to submit written testimony and the opportunity to speak to you regarding what must be considered as the unintended consequences of Senate Bill 0259.

While your efforts to address the dangers of smoking, reduce inequities in health care, and reduce tobacco-related disease and illnesses are commendable, this bill fails to consider the direct and consequential impact it will have on communities of color throughout the state.

It is estimated that there are nearly 18.6 million current smokers of menthol cigarettes, and of the total number of menthol smokers, 85% are African Americans. Consequently, your proposed legislation will specifically place African American smokers at risk of racially discriminatory government action and interventions, while leaving all other cigarette smokers to enjoy the product of their choice in complete safety and at peace. Research shows that there has not been a decline in Black youth preferring to smoke menthol cigarettes between 2011-2018. And there is no factual basis which tends to indicate that a ban of this type will stop or even reduce smoking.

As well, your proposed legislation mentions the direct impact of the Maryland criminal code not less than eight separate times. Invoking the criminal code means, with little exception, that law enforcement will be empowered to enforce the ban. This will undoubtedly result in increased opportunities for officers to detain and engage on the basis of simply attempting to determine if a person has proscribed or contraband materials in their possession, so as to determine the source, as it must readily be understood that there is no way to visually tell if a cigarette is mentholated or non-mentholated from a moving patrol car. The enforcement of this legislation

will, unfortunately, lead to encounters that are likely to be escalated to the unnecessary use of force, arrests, and possibly deadly force.

Prohibitions and flavor bans, including menthol, such as the one you consider, will not only lead to overcriminalization, but will result in growing an already robust illicit market and increase the influx of dangerous, unregulated substitutes which negatively impact public health. Illicit marketers and traffickers will not care about age restrictions.

History has shown that every effort to ban or proscribe certain products has been an initiative in failure. From the prohibitions on alcohol in the 1920's to the War on Drugs in the 1980's. No legislative action has stopped the use of or proliferation of its intended target. They have, instead, created underground, illicit markets that have themselves created more crime and social devastation in our communities.

It with these things in mind that I strongly urge you to reconsider the establishment of a prohibition of menthol related tobacco products which will only continue to widen the gap in the already strained relationships between police and those they must serve, particularly in communities of color. I believe that you will ultimately find that a focus on expanding anti-smoking education, and prevention and cessation resources for those who need it most will be infinitely more useful and productive.

Again, I thank you for your time and consideration.

Respectfully,

A handwritten signature in cursive script, reading "Charles P. Wilson".

Lieut. Charles P. Wilson (Ret.)

Immediate Past National Chairman

National Association of Black Law Enforcement Officers, Inc. (NABLEO)