

## Opposition Testimony Against LD 1215 An Act to End the Sale of Flavored Tobacco Products

Hello, my name is Todd McGhee, and I am a 24yr retired Trooper from the Massachusetts State Police. I am testifying in opposition to LD 1215. As a former career public safety official, I know firsthand about enforcing laws and the various impact and outcomes of enforcement efforts.

The Act to Prohibit the Sale of Flavored Tobacco Products is a well-intentioned but ultimately flawed approach to addressing public health concerns related to tobacco use. While a ban may seem like a logical step to reduce the appeal of these products, it could have unintended consequences that undermine its goals.

A consequence of this ban will be an increase in black-market sales of flavored tobacco products. Such sales often occur outside of regulatory frameworks, making it difficult for authorities to track and control them. This could lead to an increase in unregulated and potentially dangerous products on the market, posing health risks to consumers.

A ban on flavored tobacco products could create a market for illicit alternatives. Criminal organizations could exploit the demand for flavored products by producing and selling counterfeit versions of popular brands, which could contain even more harmful ingredients.

Another concern is that the revenue generated from the sale of flavored tobacco products would be diverted from healthcare programs that could benefit from it. Instead of investing in education and cessation programs to help smokers quit, the revenue from these products would disappear into the black market, leaving public health agencies with fewer resources to combat tobacco use.

A ban could further exacerbate the already strained relationship between law enforcement and members of the community. Banning flavored tobacco products could lead to increased enforcement efforts, which may disproportionately impact underserved communities, especially BIPOC communities, leading to increased interactions between law enforcement and individuals in these communities, potentially escalating tensions and increasing the likelihood of negative outcomes, therefore eroding trust in law enforcement, and undermining public safety community efforts.

For example, law enforcement professionals assigned to a task force, enforcing this law will look to build their cases by targeting street-level persons believed to be in possession of illegal cigarettes in order to develop informants to identify the larger and more organized black-market sellers of imitation and illicit alternatives. This is how public safety officials establish probable cause and build their cases for prosecution later in their enforcement efforts. Another example is the Eric Garner case in New York, where Garner was killed by an NYPD detective over a violation of illegal cigarette sales, which should have been a simple summons to court.

By investing in community-based approaches prioritizing education and harm reduction, policymakers will create positive outcomes, by working with community leaders and health organizations to develop tailored solutions that address the root causes of tobacco use and addiction to promote healthy behaviors.

Holistic approaches that prioritize education, harm reduction, and community engagement are necessary to address public health concerns related to tobacco use without exacerbating existing inequalities and tensions.

Finally, while a ban may be well-intentioned, my goal today is to highlight the unintended consequences that undermine its goals. Instead of a ban, policymakers should explore other approaches that focus on education, harm reduction, and support for smokers who want to quit. This type of approach will have better outcomes for addressing public health concerns related to tobacco use while avoiding the negative consequences of a blanket ban.