



Jill C. Duson
Senator, District 27

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Jill Duson presenting
LD 1215, "An Act to End the Sale of Flavored Tobacco Products"
Before the Joint Standing Committee on Health and Human Services
April 25, 2023

Senator Baldacci, Representative Meyer, and Distinguished members of the Health and Human Services Committee, I am Senator Jill Duson. I represent Senate District 27, which includes part of Portland and part of Westbrook. I am pleased to join you today to introduce LD 1215, "An Act to End the Sale of Flavored Tobacco Products."

Like so many of us, my family has been impacted by the highly addictive and detrimental health effects of tobacco use. And as a Black American, my family has also paid the price for the tobacco industry's unfettered, multi-generational targeting of African Americans with menthol-flavored cigarettes and cigars. Three of my siblings started using these products as teenagers and became life-long smokers of menthol cigarette brands like Newport, Kool, Salem, and Virginia Slims. Along with many aunts, uncles, and cousins, over the years they have battled tobacco-related illnesses that result in physical limitations, chronic stress, and a loss of independence.

Menthol-flavored tobacco is no friend of the Black community. For over six decades, the tobacco industry has been marketing menthol cigarettes directly, systematically, and relentlessly to African Americans, particularly African American youth and young adults. Their insidious profit formula includes the co-opting of music and culture, sponsorships and free samples at community events, lower prices in Black neighborhoods, slick magazine advertisements and retail promotions, and recruiting Black community leaders as industry defenders.

Has all this effort paid off? Heck, yeah. In the 1950s, less than 10% of Black adults who smoked used menthol cigarettes. Today, after decades of tobacco industry targeting, that number is 85%. Let me say that again: more than 8 out of 10 Black adult cigarette smokers, smoke menthols. Tobacco use is now the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year. Black Americans die at rates higher than any other racial or ethnic group in the U.S. from diseases such as cancer, heart disease, and stroke. Lung cancer is the leading cause of cancer death in the Black community. Tobacco use causes all these diseases.



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So, when it comes to justice and fairness, strong tobacco control policy that covers menthol-flavored cigarettes is essential to confronting the disparities that are created and perpetuated by the tobacco industry. Passage of this bill would get one of the deadliest products, marketed specifically to youngsters in Black communities, off the store shelves. Put another way, ending the sale of menthol cigarettes will overwhelmingly benefit Black Americans by reducing smoking and saving lives.

But this isn't just about Black communities. It's about every community in Maine, because those same industry tactics, honed during a decades-long campaign to lure and hook African American youth on menthol-flavored products, have also been used on other marginalized communities. The tobacco industry targets all young people – not just 'kids being kids' who care about what their friends are thinking and doing, but kids under stress, who are feeling disconnected, anxious, and too-often these days...hopeless. This means kids who are experiencing mental health conditions, kids who identify as LGBTQIA+, kids who are from families with lower incomes, kids from communities of color, and kids just looking to fit in.

Why the focus on kids? At the root of all this is nicotine addiction. Nicotine addiction is really only possible in young, developing brains. If you have not become addicted to nicotine by age 26, it is unlikely you will ever do so. The tobacco industry knows this, of course, and knows too that flavored tobacco products like menthol, mint, candy, fruit, and dessert flavors all make it easier for kids to give cigarettes, chewing tobacco, and now e-cigarettes or vapes a try. There are tens of thousands of these flavored products, and four out of five kids who have used tobacco started with a flavored product.

I chose this bill as my very first bill to sponsor as a legislator because of the harmful role that tobacco plays in our families and in our economy. Without youth and young adult tobacco use, there would be virtually no tobacco-related disease and early death. That means longer, more productive lives, and it means big reductions in health care costs – for the individual and society as a whole.

This committee and this legislative body have the ability to change the trajectory of young lives and to positively impact the health and well-being of every Mainer, not just today but for



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generations to come. In fact, there may be few other bills we are considering together that have the potential to make such a significant impact on the health of Maine kids and communities.

There are many here with us today waiting to provide testimony on LD 1215. You'll hear from the kids being targeted by this predatory industry. You'll hear from parents, teachers, and pediatricians, who are begging us to take action and prevent more tobacco use and nicotine addiction. You'll hear from businesses who watch tobacco use impact their workforce and the cost of health insurance. You'll hear from many, many others.

You'll also hear from those carrying the messages of the tobacco industry – an industry skilled in scare tactics and falsehoods – an industry that preys on our kids as their “replacement smokers,” which is one of many shockingly disrespectful characterizations of tobacco users that are revealed in internal tobacco industry documents.

The U.S. Food and Drug Administration (FDA), which took flavored cigarettes off the market in 2009 because of their proven link to youth initiation, may eventually follow through on ending the sale of menthol-flavored cigarettes and all flavored cigars. But any FDA action will take years to go into effect while more of our children and grandchildren fall prey. With LD 1215, we have an opportunity to take significant action in preventing Maine children from starting to use tobacco and developing a lifelong, debilitating addiction to nicotine.

I started with my family's story, but many of us could tell a similar story of the heavy toll of tobacco on our family and friends. I ask you to think about how you and yours have been touched by tobacco. I hope you will join me in saying ‘enough is enough’ to the targeting of our children and grandchildren, nieces, nephews, and neighbors, with menthol, candy, fruit, and dessert-flavored tobacco products.

Let's stop this cycle of addiction, chronic illness, and untimely death. Let's stand up to the tobacco industry's deception and its ruthless targeting of our kids. Let's end the sale of all flavored tobacco products. Let's do what we were sent here to do: to improve the lives of Mainers and to protect the health and future of our children.

I have submitted a sponsor's amendment at the request of the Office on Marijuana Policy that



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makes technical clarifications.

Thank you for your consideration. I would be happy to answer questions, though I may ask to direct some questions to the knowledgeable people behind me.