



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: May 7th, 2021

Re: LD-1550 - An Act to End the Sale of Flavored Tobacco Products

Position: OPPOSE

To: Maine Legislature, Health and Human Services Committee

Distinguished Senators and Representatives,

Thank you for the opportunity to submit testimony. I share my experiences as a retired police lieutenant and as the executive director of the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse effective public safety policies. We support 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. I speak on behalf of more than 5,000 current and retired members of law enforcement across the country. We oppose tobacco bans, including LD-1550, because they damage trust between police and low-income- and communities of color without effectively reducing youth tobacco use.

The mere idea that we should legally prohibit menthol, the preferred choice of Black smokers¹, disregards the legacy of tension — as well as the present conflict — between police and communities of color. After 21 years in policing, I have never seen such a high level of sustained tension between police and communities as we have witnessed together since the killings of Breonna Taylor, George Floyd, and others.

The name of this bill — An Act to End the Sale of Flavored Tobacco Products — is misleading. Prohibiting menthol and other flavors does not end their sale; it creates an underground market. When demand is high, supply is scarce, and people who need the income — such as those living in low-income communities — have a financial incentive to buy flavored

¹ <https://www.lung.org/stop-smoking/smoking-facts/tobacco-use-racial-and-ethnic.html>

tobacco products elsewhere and bring them back to Maine. Massachusetts passed a statewide ban on flavored tobacco products on June 1, 2020, and cigarette purchases declined in-state while increasing substantially in bordering states. There's no evidence that banning flavored tobacco is reducing smoking in Massachusetts, but there is plenty of evidence showing that people still found a way to get flavored tobacco products regardless of the law, shuttling millions in tax revenue out-of-state and creating yet another public health responsibility for law enforcement.²

While mental health and other social support services receive barely enough funding to keep the lights on, police are expected to solve a growing list of social problems. Homelessness, mental illness, and substance use disorder have fallen onto our shoulders over the last few decades, all while we are expected to solve crimes. Bans on flavored tobacco put us in the position of dealing with yet another public health problem we cannot fix, all at the expense of our ability to fight crime.

Even if law enforcement focuses on businesses that violate tobacco laws — and not individual sellers — we know that police still end up interacting with individuals over tobacco violations. High-profile stories from Black communities illuminate this problem. Just last year, an unarmed 14-year-old Black child in Rancho Cordova, California, was assaulted by an officer over a cigarillo. In 2014, Eric Garner, another unarmed Black man and father of six, was choked to death on the streets of New York while being arrested for selling loose cigarettes.

These interactions destroy police-community trust and make our difficult jobs that much harder. People who do not trust us do not report crimes, even when they themselves are the victim. People are more than mistrusting; they are afraid. They are more afraid of us than they are of being victimized again. What this says about our laws is that we have to think deliberately about what we ask police to enforce. Police should only be sent to enforce laws that make our neighborhoods safer places to live, and tobacco bans do not make us safer.

After many decades of drug prohibition failing to protect our kids from one addiction crisis after another, we should know by now that banning drugs does not keep our families safe. Anyone who cares about public safety,

² https://taxfoundation.org/massachusetts-flavored-tobacco-ban/?fbclid=IwAR0A9OPq6my3qpoIXhieStAo0DxCVpyRZt9QDLmQz9jQgMfka3BM_wTAQCc

public health, and the growing divide between police and communities, especially communities of color, should be alarmed by LD-1550. If it passes, we can expect more conflict and no change in tobacco use. Please reject this bill and instead focus on expanding anti-smoking education, and prevention and cessation resources for those who need it most.

Thank you for your time.

Lt. Diane Goldstein (Ret.)
Executive Director, The Law Enforcement Action Partnership