

TESTIMONY OF MEAGAN SWAY

**LD 1550 – Neither For Nor Against**

**An Act To End the Sale of Flavored Tobacco Products**

Joint Standing Committee on Health and Human Services

May 7, 2021

Senator Claxton, Representative Meyer and distinguished members of the Joint Standing Committee on Health and Human Services, greetings. My name is Meagan Sway, and I am Policy Director of the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I submit this testimony neither for nor against LD 1550, but to highlight some concerns that we hope the committee will consider before taking final action.

If enacted, this bill would prohibit the sale or distribution of flavored tobacco products. The intention behind this bill is good: to address the adverse health consequences of this product that has been directly marketed to youth, people of color, and LGBTQ+ people for years. Due to the structural inequities faced by people of color and LGBTQ+ people in our country, those populations face higher stressors and trauma that tobacco can soothe, as well as less access to health care and treatment options to stop. Moreover, the enforcement mechanism for this bill is not criminal, which is particularly commendable. Criminal penalties do not deter drug use, but instead stigmatize it and create barriers to healthy living. Instead of arrests or imprisonment, the penalty for violating this bill would be a civil fine to retailers and distributors.

However, in banning the sale or distribution of flavored tobacco, the bill takes a prohibitionist approach to drug use. Prohibition promises a healthier society by denying people the opportunity to consume drugs, and possibly, to become addicted. The reality of prohibition belies that promise. This is best illustrated by the results of the government's 50-year-long war on drugs. Accordingly, as we did with earlier legislation this session and will do with future bills, we recommend that the committee also consider other means of enforcing drug policy. For example, a robust education campaign, increasing resources for smoking cessation, regulating harmful targeted marketing, and addressing underlying stressors created by inequality that make people turn to drugs in the first place, are areas that the legislature should fully resource.

We recognize and affirm the importance of ensuring healthy outcomes for Mainers, including and especially LGBTQ+, people of color, and youth. That is why we testify neither for nor against this bill, and offer our sincere thoughts about the bill's approach and other resources that should be deployed in order to fully address the underlying issues at play.

Thank you for your time and attention.