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Guest column: Maine bills restricting tobacco would do more harm than good

BY RICH MARIANOSGUEST COLUMN

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Recently, state lawmakers in Augusta introduced a bill – LD 1550 – banning flavored tobacco products entirely, and they are considering another bill sponsored by Harpswell Rep. Joyce McCreight – LD 1423 – that would double the amount of taxes Mainers pay to purchase tobacco products. Measures like these are meant to benefit public health, but unfortunately would be a boon to illegal smuggling enterprises, bringing increased gang activity to Maine communities and straining the state’s law enforcement agencies.

As a career law enforcement veteran who managed large scale investigations into violent tobacco traffickers, I’ve seen firsthand how restrictive policies can spur illegal activity. The reason goes back to simple economics: if policymakers ban or make it significantly more expensive to purchase a product, consumers will inevitably look for a cheaper option – a demand that illicit enterprises are happy to fill.

This is exactly what would happen in Maine if new restrictions are put in place. Not only would it make traditional cigarettes more expensive, but it would make cigarette alternatives – like menthol vapes – more expensive as well, despite the fact that cigarette alternatives are as much as 95 percent safer for consumer health.

Simply raising the price or banning flavors won’t make people who choose to smoke stop smoking – it will just put more pressure on their pocketbooks. Data show that lower income communities are far more likely to use tobacco, so cheaper illicit options for tobacco would become far more attractive.

According to a February study from the Mackinac Center for Public Policy, raising Maine’s cigarette tax by 100 percent would triple the amount of smuggled cigarettes in the state – from 8 percent today to 25 percent. This increase in smuggling would happen in one of two ways.

First would be “casual smuggling,” where consumers would travel to a state with lower taxes or no flavor bans to get their cigarette products. Just next door, notoriously tax-averse New Hampshire only imposes a cigarette tax of \$1.78 per pack, less than half of what Maine’s would be under LD 1423. Considering 40 percent of the state lives within just an hour’s drive of New Hampshire, it’s not hard to imagine many folks being willing to jump the border.

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In fact, this is exact scenario happened when Massachusetts banned menthol cigarettes. Sales in New Hampshire skyrocketed, and opportunistic traffickers smuggled massive amounts of cigarettes into the Bay State.

The second, and most concerning increase in smuggled cigarettes would be from organized criminal enterprises and gangs. By offering cheaper rates for tobacco and tobacco alternatives, these organizations would be opening new channels in Maine communities for other, more deadly trafficked goods like guns and opioids. Considering Maine is experiencing an alarming rise in opioid deaths already this year, we can't let even more dangerous substances flood communities.

As smuggling and gang activity increases, law enforcement agencies would be left carrying the bag at a time when law enforcement agencies are already under intense pressure, from potential budget cuts to public scrutiny. State lawmakers shouldn't add to this burden by making it easier for illegal tobacco smugglers to operate.

Instead of trying to tax or ban cigarettes away, lawmakers should focus on solutions that will actually protect public health without spurning new criminal activity. They could start by making it easier for smokers to access safe tobacco alternatives that don't contain harmful tar and ash. They could also focus on enhanced education and public awareness campaigns. By doubling the cigarette tax or banning certain options, Maine lawmakers would not only be doing nothing to stop cigarette use, but they'd be inviting new smuggling operations into the state. It is imperative that they reject this counterproductive policy immediately.

Rich Marianos is a senior law enforcement consultant having served more than 27 years at the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives fighting violent crime. He most recently served as Assistant Director in the Office of Public and Governmental Affairs, and as Special Agent in Charge ATF's Washington Field Division. He is currently on staff at Georgetown University in Washington DC where he teaches several advance courses for law enforcement executives and intelligence operators worldwide.