

TESTIMONY OF MICHAEL KEBEDE, Esq.

**In Support of Parts A through C
Neither For Nor Against Part D**

LD 1693

**An Act To Advance Health Equity, Improve the Well-being
of All Maine People and Create a Health Trust**

Joint Standing Committee on Health and Human Services

February 8, 2022

Senator Claxton, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, good morning. My name is Michael Kebede, and I am policy counsel for 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 through advocacy, education, and litigation. On behalf of our members, we support parts A through C of the bill and are neither for nor against part D. Parts A through C are likely not just to improve the health of people in Maine, but also to help our state tackle our racial and ethnic disparities in health outcomes.

If enacted, this bill would improve the state's healthcare infrastructure in several ways. First, it would ensure that Maine follows the CDC's guidelines and fund the state's tobacco prevention and control program. Drug policy is an especially important area for the state to follow the advice of healthcare institutions, rather than the direction of law enforcement authorities. Second, this bill would fund an obesity care coordinator and obesity prevention programming at the Maine CDC, and align Maine's early care and K-12 nutrition and exercise standards with national standards. This will help the state defeat a recognized risk factor for a host of lethal illnesses, including COVID-19. Third, this bill would ensure that Maine makes annual investments of \$900,000 in district public health improvement plans, \$151,000 to implement data collection and reporting in the state's Office of Health Equity, and almost \$100,000 for a Health Equity Coordinator position in the Office of Health Equity. As

we saw at the beginning of the COVID-19 pandemic and since, people of color in Maine face acute health inequities. In the spring and summer of 2020, Maine had the worst racial inequities in the country. The investments this bill proposes are crucial in reducing racial and ethnic disparities in health outcomes, and in designing healthcare interventions that are targeted to where they are needed most. We support these sections of the bill without reservation.

We are neither for nor against Section D. That section would prohibit the sale or distribution of flavored tobacco products, including flavored cigars and electronic smoking devices. The intention behind this section is good: to address the adverse health consequences of this product that has been directly marketed to youth, people of color (especially Black people), 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, Section D 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. Accordingly, as we have done with past legislation and will do with future bills, we recommend that the committee consider other means of enforcing its drug policy, including mechanisms that the rest of this bill undertakes. We support funding 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. The legislature ought to focus its energy on these preventative measures.

We recognize and affirm the importance of ensuring healthy outcomes for Mainers, including and especially LGBTQ+ people, people of color, and youth. That is why we support the majority of LD 1693, and offer our sincere thoughts on the approach that Section D takes.

Thank you for your time and attention.