

Illegal Tobacco Task Force Minutes

Meeting Date: 6/3/2020

Meeting Time: 10:00am

Meeting Location: WebEx Virtual Meeting – Virtual Town Hall

Board Members Present: Marikae Toye (Co-Chair), Maj. Steve Fennessy (Co-Chair), Jennifer Zalnasky, Patricia Henley, Amber Villa, Michael Sweeney, Susan Terrey

Call to Order:

- Meeting was called to order at 10:04am by Mrs. Toye
- Due to abrupt COVID office closures, Mrs. Toye and the Task Force agreed to approve prior meeting minutes at the next full Illegal Tobacco Task Force meeting.
- Mrs. Toye also informed the Task Force that the finalized Legislative report was now posted and available.

Member Updates/Housekeeping Items:

- Evan Garcia with DOR's Misc. Excise Tax Unit gave a presentation and update on the latest initiatives coming from the agency, such as the new retailer licensing for flavored tobacco and the ENDS licensing program that opened for registration on May 1, 2020.

Public Comment Session:

- Mrs. Toye opened the floor for several members of the public to give personal testimony as it related to Massachusetts new laws on the flavored tobacco ban.
 - Charlie Giblin – Altria, Former Law Enforcement Officer
 - Mr. Giblin expressed concerns with the potential black market activity and feels the flavor ban will significantly increase smuggling activity in the Commonwealth.
 - John Shaer – Executive Director, NE Convenience Store & Energy Marketers Association
 - Mr. Shaer gave personal testimony and opinion on the business impact of the flavored tobacco ban.
 - Provided data on menthol consumption and potential early indicators.
 - Mrs. Toye asked for written data be provided to the Task Force for review.
 - Dave Hancox – NY State Comptroller (Paid sponsorship with R.J. Reynolds)
 - Mr. Hancox spoke on the adverse consequences of the ban on MA businesses as well as his opinion on the far-reaching impact of smuggling.
 - According to Mr. Hancox, approximately 412 retail stores across the MA borders will be ready to greet MA customers seeking product.

- Mrs. Villa had questions related to Mr. Hancox's data, to which he stated was pulled from reliable sources.
- Michael LaFaive – Mackinac, Fiscal Policy
 - Mr. LaFaive gave his personal testimony and provided industry data to support his thoughts and suggestions towards petitioning the state change the ban on flavored tobacco.
 - According to his research done with the Mackinac, Mr. LaFaive explored the different ramifications that drive up smuggling/black market activity, noting that significant changes to laws exacerbates an already vibrant black market.
 - Mrs. Villa again asked for clarity and source credibility with the provided/discussed data. She also asked was the research provided funded by the tobacco industry. Mr. LaFaive broke down how the data was compiled, but stated he was not at liberty to share whether funding was obtained by the tobacco industry.
- Chris Banthin – Public Health Advocacy Institute, Inc.
 - Mr. Banthin focused his testimony on the youth involvement and addiction crisis.
 - He also spoke to a Dept. of Justice case, the RICO case, which highlights marketing tactics.
 - Also included in his testimony was the effects of addiction on the African-American youth population, and the need for more strategies in enforcement.
- Rich Marianos – Professor, former law enforcement professional
 - Mr. Marianos spoke to the public safety areas related to the flavored tobacco ban. His ideas focused on a marriage of public safety and public health initiatives to use resources wisely.
- Ken Williams – Former law enforcement officer (Brockton, MA)
 - Mr. Williams gave personal and professional testimony specifically focusing on the negative impacts in the Black communities in Massachusetts. He spoke on discrimination in MA, and what the increase in organized crime can look like as it relates to the flavored tobacco ban.
 - Mr. Williams stated that this prohibition level ban will not decrease or eliminate use, but will fuel underground crime and public health concerns. He also suggested more funds be used for education initiatives and funding police for the increase in activity.
 - Overall, Mr. Williams asked that the law be rescinded.
- Mark Hymovitz – American Cancer Society Cancer Action Network
 - With a health focus, Mr. Hymovitz gave testimony on the healthcare side of the tobacco ban and the need for more cessation planning.
 - He asked that the Task Force keep public health at the forefront of this initiative, citing that tobacco usage costs the health industry \$4 billion dollars.
 - Mr. Hymovitz also noted that possession is not illegal and the ban focuses on sales activity.

- Alex Spelman – SICPA
 - Mr. Spelman spoke to the Task Force about technologies available to help with stamping and combating illegal activity. According to him, SICPA has technology to help with regulation and enforcement initiatives.

Other Business:

- The next Task Force meeting was tentatively scheduled for July 6, 2020
- Additional written testimony from the public can be submitted up until June 12, 2020

Meeting was adjourned at 12:00 by Mrs. Toye.