
Tobacco Free Mass

Massachusetts Coalition for a Healthy Future

June 12, 2020

Marikae Toye, Co-Chair, Illegal Tobacco Task Force
Massachusetts Department of Revenue
General Counsel's Office, Criminal Investigations Bureau
100 Cambridge St., 8th Floor
Boston, MA 02114

RE: Written Testimony regarding an Act Modernizing Tobacco Control, 2019 Mass. Acts 133

Dear Co-Chair Toye and Members of the Illegal Tobacco Task Force:

I would like to provide some larger context for the Commonwealth's new menthol cigarette sales restrictions. It is important to bear in mind that, with this new law, Massachusetts has acted to remove an injustice that is a root cause of many of the health disparities we see with COVID 19. Timely implementation of the entire new tobacco law, and in particular the menthol provision, is essential to the health of the Commonwealth's most vulnerable residents.

Flavored tobacco products are known to attract young people, and menthol cigarettes are no different. Over half (54%) of youth smokers ages 12-17 use menthol cigarettes. In contrast, less than one-third of smokers ages 35 and older use menthol. The prevalence of menthol use is even higher among African American youth: seven out of ten African American youth smokers smoke menthol cigarettes.

This is no accident. For decades, the tobacco industry has marketed its menthol products specifically to communities of color, which has contributed to the concentration of chronic conditions in these same communities. These are the chronic conditions that puts them at increased risk of illness, hospitalization and death due to COVID 19. There is no justification for allowing this situation to continue.

You have heard concerns that young people, especially young people of color, will be targeted because they are in possession of menthol cigarettes. To clarify, it is illegal for stores to *sell* flavored tobacco products under the new law. It is not illegal to possess them. This was a key part of the legislation, and one we argued for. It is notable that the tobacco industry lobbied against us on this issue.

A broad coalition of local, state, and national organizations stand in support of this law and its timely implementation. The Massachusetts Medical Society, the Massachusetts Health and Hospital Association, the NAACP, the American Cancer Society Cancer Action Network, the American Heart Association, the Urban League, the National African American Tobacco Prevention Leadership Network, the Massachusetts Association

American Cancer Society Cancer Action Network | American Heart Association | American Lung Association | Association for Behavioral Healthcare | Bay State Community Services | Berkshire AHEC | Blue Cross Blue Shield of Massachusetts | Boston Public Health Commission | Dana Farber Cancer Institute | Gandara Center | Greater Lawrence Family Health Center | Health Foundation of Central Massachusetts | Health Resources in Action | Institute for Health and Recovery | Massachusetts Association of Health Boards | Massachusetts Chapter of the American Academy of Pediatrics | Massachusetts Dental Society | Massachusetts Health Officers Association | Massachusetts Medical Society | Massachusetts Medical Society Alliance | Massachusetts Municipal Association | Mercy Medical Center | MetroWest Health Foundation | MGH Community Health Associates | Partners Health Care | Public Health Advocacy Institute | UMass Center for Tobacco Treatment Research & Training | UMass Memorial Health Care

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of Health Boards, the Campaign for Tobacco Free Kids, and the Massachusetts PTA are a few of the many who voiced their strong support.

There is a reason for this strong, broad-based support. Prohibiting the sale of menthol cigarettes and flavored cigars will discourage young people from switching to these products in the absence of flavored vapes. It may also encourage smokers to think about quitting smoking, now that the law ensures they can access medication and counseling through their insurance with no copay. It will also help discourage young people in communities of color from starting smoking in the first place, since they often start with menthol products.

I would like to remind you that, while there are difficulties in implementing any law, those pale in comparison to the loss of health and life caused to an entire group of people by a cynical, opportunistic industry. To do anything less than enforce this law fully and immediately would be a harm on top of the harm we have already allowed to stand for generations.

Sincerely,

A handwritten signature in cursive script, reading "Lauren A. Smith". The signature is written in dark ink and is positioned above the printed name.

Lauren A. Smith, MD, MPH
Chair, Tobacco Free Mass