



HOUSE OF REPRESENTATIVES

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Testimony of Assistant House Majority Leader Rachel Talbot Ross supporting
Section WWW of LD 221, An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

Before the Joint Standing Committee on Appropriations and Financial Affairs

Senator Breen, Representative Pierce and distinguished members of the Joint Standing Committee on Appropriations and Financial Affairs, I am Rachel Talbot Ross. I represent House District 40 in Portland and serve as assistant House majority leader. It is my honor to offer this testimony in support of **LD 221, Section WWW**, which proposes to prohibit the sale and distribution of flavored tobacco products.

The relentless impacts of both COVID-19 and systemic, endemic racism on our health, our communities, our economy, and our humanity are tremendous, but I am honored to be working with all of you to dismantle some of the most egregious systems that have perpetuated health disparities and generational poverty and to rebuild a new policy framework through an equity lens, prioritizing our shared resources to create new opportunities for all people in Maine.

When things are complicated, especially as we work to unravel long-held but dysfunctional policies and practices, it is always nice to have some low-hanging fruit. Well, it would be difficult to name another widely available commercial product that has caused more deadly harm to African Americans than menthol cigarettes.

For decades, the tobacco industry has been marketing menthol cigarettes directly, systematically, and relentlessly to African Americans, particularly African American youth, and young adults. They have done this through sponsorship of community and music events, free sampling, magazine advertising and retail promotions.

In the 1950s, less than 10% of Black adults who smoked used menthol cigarettes. Today, after decades of tobacco industry targeting, that number is 85%. Let me say that again: more than 8 out of 10 Black cigarette smokers, smoke menthols. This is absolutely no coincidence and menthol cigarettes continue to be heavily advertised, widely available, and priced cheaper in Black communities.

Tobacco use is the number one cause of preventable death among Black Americans, claiming 45,000 Black lives every year. Black Americans die at rates higher than any other racial or ethnic group in the U.S. from diseases such as cancer, heart disease, and stroke. Lung cancer is the leading cause of cancer death in the Black community.

And now, Black Americans are being disproportionately impacted by COVID-19. The U.S. CDC has found that smoking increases the risk for severe illness from COVID-19. Smoking is also a major cause of underlying

conditions like heart disease and diabetes that disproportionately impact Black Americans and make them more vulnerable to the COVID-19 pandemic. The connections are not hard to see.

We know the devastation of tobacco use on the health and productivity of Black Americans is no accident – it is the result of the tobacco industry’s long history of targeting the Black community with menthol cigarettes. As you will hear from other speakers, menthol numbs the throat and reduces the harshness of tobacco, making it easier for first-time users to become addicted, long-term tobacco users. Menthol also makes it harder to quit. The data shows that while more Black smokers try to quit, they are less likely to succeed.

So, when it comes to justice and fairness, strong tobacco control policy, and menthol specifically, are low-hanging fruit in confronting the disparities that are created and perpetuated by the tobacco industry. This proposal is straight-forward – it is about getting one of the deadliest products, designed and marketed to lure and hook kids and Black Americans, off the store shelves.

I hope you will join me in saying ‘enough is enough’ to Black people dying from menthol flavored tobacco products.

I want to close by saying that I have been saddened and deeply offended by efforts by the tobacco industry to co-opt the ongoing tragedy of police violence against Black Americans for their own purposes and benefit. When the FDA announced they would begin a rule-making process to prohibit the sale of menthol cigarettes – a process we know will take years to complete and implement - the tobacco industry began stoking a duplicitous fear that criminal gangs would begin operating illegal markets for menthol cigarettes in towns large and small across Maine. And at the same time, that Black people would be at greater risk of being targeted and unfairly attacked by police for appearing to possess menthol cigarettes. In this chaotic imagery there is something racist for everyone.

It is important to know that Maine law does not criminalize purchase, use or possession of tobacco products. These PUP laws were eliminated when this Legislature passed Tobacco 21 in 2017. And federally, the FDA prohibition on menthol and most flavored cigars would also not apply to individuals who possess or use these products.

So, no matter how you hear this convoluted story of gangs and police violence, the tobacco industry is stoking fear, telling lies, and casting doubt in order to shift the narrative from their purposeful and perpetual predation of Black Americans. I am asking each of you to reject this cynical argument and to remain vigilant for other tobacco industry attacks that only serve one purpose: to preserve their ability to manufacture and sell addictive, deadly products to Maine youth and young adults.

Let me repeat that ending the sale of menthol cigarettes will disproportionately **benefit** Black Americans by reducing smoking and saving lives.

I ask you to support Section WWW of LD 221 and end the sale of flavored tobacco products. Thank you for your time and commitment to the health of all Maine people.