

Opposing Testimony, In Opposition of S.18 An Act Banning Flavored Tobacco Products and E-liquids

My name is Todd McGhee, a 24-year retired Trooper from the Massachusetts State Police. My written testimony before you is in opposition to S.18, the proposed legislative act to ban flavored tobacco in Vermont. Drawing on my extensive experience as a career public safety official, I wish to shed light on the unintended consequences of a similar ban implemented in Massachusetts and express concerns about the potential repercussions Vermont may face. Full disclosure, I am being compensated by Altria, however my comments and thoughts are completely my own.

The 2019 Act to Prohibit the Sale of Flavored Tobacco Products in Massachusetts, though well-intentioned, proved to be a flawed strategy in addressing public health concerns related to tobacco use. Instead of curbing the appeal of flavored products, it gave rise to a surge in black-market sales. These illicit transactions occurred beyond regulatory oversight, resulting in a market flooded with unregulated and potentially hazardous tobacco products, posing severe health risks to consumers.

One notable consequence was the emergence of criminal organizations capitalizing on the ban. These entities exploited the demand for flavored tobacco products by producing and selling counterfeit versions, laden with even more harmful ingredients. Furthermore, legal products were surreptitiously purchased outside Massachusetts and unlawfully transported across state lines, bypassing regulatory frameworks.

A critical concern arising from this ban is the diversion of revenue from the sale of flavored tobacco products. Rather than contributing to healthcare programs, funds were funneled into the black market or neighboring states. This diversion deprived public health agencies of essential resources needed to combat tobacco use, hindering investment in education and cessation programs designed to assist smokers in quitting.


Successful legislation for such a ban may strain the relationship between law enforcement and communities, particularly impacting underserved populations, including BIPOC communities. Increased enforcement efforts could escalate tensions, erode trust in law enforcement, and undermine community safety initiatives. The targeting of street-level individuals for possession of illegal cigarettes, in an attempt to uncover larger black-market sellers, echoes the approach that led to tragic incidents like the Eric Garner case in New York.

Moreover, if Vermont passes this legislation, it will open the door to the influx of counterfeit products, likely originating from outside the state and potentially controlled by entities like the Chinese National Tobacco Company. Cross-border smuggling from neighboring states where flavored tobacco remains legal is a plausible outcome, and products from Canada's First Native Reservation, pose additional challenges for law enforcement.

Rather than pursuing a blanket ban, policymakers should consider alternative approaches centered on education, harm reduction, and support for those seeking to quit smoking. By investing tax revenue from tobacco products into community-based initiatives, tailored solutions can be developed, addressing the root causes of tobacco use and addiction collaboratively with community leaders and health organizations.

In conclusion, while the intentions behind banning flavored tobacco may be noble, the realized consequences in Massachusetts underscore the flaws in such an approach. Vermont should explore comprehensive strategies that prioritize education, harm reduction, and community engagement, ensuring positive outcomes without exacerbating existing inequalities and tensions.

Respectfully Submitted,



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