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To: Dereck E. Davis, Chair  
Kathleen M. Dumais, Vice Chair, and  
Economic Matters & Health & Government Operations Committee

From: **Edward Jackson, on behalf of the  
Law Enforcement Action Partnership (LEAP)**

**Oppose - House Bill 3**

Business Regulation – Flavored Tobacco Products - Prohibition

Hearing: Thursday, February 6, 2020, 1:00 p.m.

Distinguished members of the Committee, thank you for the opportunity to submit written testimony. I am representing myself as a retired senior commander of the Baltimore Police Department, who is now Chief of the Annapolis Police Department and a speaker for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety solutions. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP oppose HB3 because it will create unnecessary crime and take away our power to regulate a harmful, addictive drug.

As we strive to create healthy environments, we must consider all relative consequences, which means involving all those affected in the decision-making processes. Across the Nation, law enforcement, which is the primary policy enforcement arm of government, has been left out of the decision-making process.

Tobacco bans – prohibition – obligate police to identify sources of illegal sales. The easiest targets tend to be in low-income communities and communities of color in which impoverished people sell small amounts of contraband for a modest profit – typically on street corners to avoid eviction from zero-tolerance public housing. We're not talking about organizational masterminds making real money, but young people in the neighborhood, struggling to support themselves and their families. Enforcement of menthol bans would fall uniquely hard on black community members, who tend to prefer menthol cigarettes at much higher rates than white people.

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

On top of race-based enforcement, tobacco bans increase the total number of hostile contacts between police and the community. This combination fuels tensions that can quickly escalate into violence. The police killing of Eric Garner in New York City, a father of six who was trying to make ends meet by selling loose cigarettes on the sidewalk, offers an important lesson. Sometimes no law is better than a bad law. While well-intentioned, menthol bans are ineffective and harmful because they deteriorate the already-strained relationships between police and the communities we serve.

Bans will not make young people stop using addictive drugs. What they will do, however, is make those products more expensive - and more profitable - as they move into the underground market. With this profitability comes a never-ending supply of illegal sellers who make regulating the safety of nicotine products impossible to control. The product gets more profitable, but communities see none of the tax revenue or employment benefits.

When young people inevitably find nicotine illegally, because nobody in the underground market checks their ID, they are at an even greater risk of becoming addicted to nicotine or harmed by an unknown additive. We cannot inspect or regulate flavored tobacco products if we let criminal businesses assume control over them.

HB3 removes regulators from the equation and strips us of the ability to create smart public health and safety restrictions that allow us to prevent young people from accessing this addictive drug.

If the intent behind HB3 is to prevent nicotine addiction, this bill misses the mark. I support public health approaches including research, fact-based education, and restrictions on how nicotine products are sold. I support preventing youth addiction, but I oppose this bill.

Thank you for your time,

Chief Ed Jackson  
Annapolis Police Department  
Speaker, Law Enforcement Action Partnership