



# Assembly Committee Approves Controversial Ban on Menthol Cigarettes

*Industry Groups Claim Ban Will Hurt State Businesses and Foster  
Black Market*

By: Joey Fox, June 2<sup>nd</sup>, 2022

With the Federal Drug Administration (FDA) contemplating a national ban on menthol cigarettes, the New Jersey Assembly Health Committee beat them to the punch today and approved a bill prohibiting the sale of all flavored cigarettes and electronic smoking devices in New Jersey.

The state enacted a ban on most cigarette flavorings in 2008, but that ban included an exception for menthol and clove flavors, and menthol cigarettes now make up more than 44% of all stage cigarette sales. The bill approved today, which was sponsored by Assemblymembers Herb Conaway (D-Delran) and Carol Murphy (D-Mount Laurel), would close that gap.

Representatives from a number of industry groups, however, came to Trenton to register their opposition to the proposal, saying that a ban would foster an illicit market for menthol products and would make it more difficult to enforce existing age restrictions.

"I know this legislation has been produced with good intent, but I think there are some unintended consequences," said Jiles Ship, representing the National Organization of Black Law Enforcement Executives. "I can tell you one thing that I know about substance abuse: prohibitions do not work. What does work is education, treatment, and counseling."

Several testifiers also argued that a ban localized to New Jersey would shift many sales across state borders, as has happened in Massachusetts, which became the first state to implement a menthol ban in 2020.

**"The state collects, between cigarette taxes and sales taxes, about \$250-300 million per year," said Eric Blomgren of the New Jersey Gasoline, Convenience Store, and Automotive Association. "If people are going to purchase menthol cigarettes either way, we should have them make their purchase in the state from licensed, regulated retailers, collect the tax revenue from that, and then use that revenue to fund our health care priorities, including anti-smoking efforts."**

But Conaway pushed back, insisting that the health benefits, especially for the Black communities who have higher rates of smoking menthol cigarettes, would outweigh any potential monetary cost to the state.

“How are we going to place lives on the scale here?” Conaway said. “Corporations that sell these products have for decades targeted those products directly to Black and brown communities. They did that intentionally for years, addicting many people to nicotine. That is reprehensible”

The bill ultimately passed on a party-line vote, with the committee’s three present Republicans in opposition.