

NEW JERSEY MONITOR

Critics Say Menthol Cigarette Ban Would Increase Policing Of Black Communities

Assembly health committee advances ban by party-line vote

By: Nikita Biryukov, June 2nd, 2022

A proposed statewide ban on menthol cigarettes would increase policing of Black communities, cost New Jersey revenue, and enable black market cigarette sales, critics of the plan told lawmakers Thursday.

The bill, which supporters say would make cigarettes less attractive for young people and lead to a decline in smoking, comes as the Federal Drug Administration is weighing a nationwide ban on menthols. That proposal has also received mixed reviews from some Black leaders.

“I can tell you one thing that I know about substance abuse: Prohibitions don’t work,” said Jiles Ship, president of New Jersey’s chapter of the National Organization of Black Law Enforcement Executives. “Prohibitions do not work. What does work is education, treatment, and counseling.”

Andrew Kerstein, the owner of several tobacco stores, warned the ban would lead to a rise in criminal activity and make communities less safe. He said the ban would also lead to a decline in cigarette sales tax revenue, noting menthol cigarettes make up more than 40% of New Jersey’s cigarette sales.

Treasury officials have said they expect the state’s \$2.70 excise tax on packs of cigarettes to bring in \$91.6 million in the fiscal year that begins July 1. That’s less than two-tenths of a percent of the Treasury’s total forecasted collections for fiscal year 2023.

Eric Blomgren, associate director of government affairs at the New Jersey Gasoline, C-Store and Automotive Association, said a menthol ban could also force some businesses to shutter their doors, costing the state further revenue from payroll taxes.

He warned a single-state ban would push menthol smokers to buy their cigarettes in another state, saying states neighboring Massachusetts saw sharp rises in cigarette sales after the state enacted its first-in-the-nation ban on menthol cigarettes in 2019.

Representatives for grocery, law enforcement, and gas station groups warned a ban would enable and increase black market cigarette sales, especially through cigarettes smuggled in from neighboring states.

Even the American Civil Liberties Union of New Jersey came out in opposition, saying the bill has “good intentions” but warning it would lead to “more interactions with the police in communities that are already over-policed.”

The Assembly Health Committee advanced the bill anyway in a party-line vote.

“The statistics on menthol are really very clear. It is an agent that’s particularly appealing to youth, encourages the use of tobacco product by cooling that hot smoke that you’re breathing into your lungs,” said Assemblyman Herb Conaway (D-Burlington), the committee’s chair.

Canada, Conaway noted, saw a decline in cigarette use after it banned menthol flavorings.

Though most types of flavored cigarettes have been banned in New Jersey and at the federal level for more than a decade, those bans exempted those with clove and menthol flavors.

The FDA’s proposed menthol ban will take time to finalize and will likely be tied up by litigation.

While Conaway’s bill does have supporters, some weren’t ready to give full-throated backing to the measure because they said it does not go far enough.

Corrine Orlando, director of government relations for the American Heart Association, said any new policy to eliminate the sale of flavored tobacco products “should include all flavors in all tobacco products, including cigars.”