

Date: 2/18/2021

From: Art Way

To: Minnesota Preventative Health Committee – Minnesota Legislature

RE: HF 904

My name is Art Way, owner at Equitable Consulting. I am a drug policy consultant working in marijuana equity and sustainability. I also represent Reynolds American Incorporated (RAI) concerning tobacco policy. Drug policy reform and harm reduction are my area of expertise. I was the former state director for the Drug Policy Alliance in Colorado where I am currently based. I also spent three years as a police accountability advocate. My relationship with RAI spans my social justice career largely due to the murder of Eric Garner who was killed by NY police for selling loose cigarettes.

As a result of my professional and personal experience, I am in opposition to HF 904. It is rarely wise to address a public health issue with bans and prohibitions. This is especially so concerning a popular adult substance such as menthol and other tobacco products. The result is jurisdictional shopping and an immediate boom to the already established illicit tobacco market. Depending on the jurisdiction, illicit cigarette sales are already 20-50% of the market. The tobacco industry benefits whether cigarettes are sold legally or illegally.

Bans and prohibitions of already popular adult substances are not public health strategies. I do believe proponents are concerned with the health of their communities, but they are also concerned with dealing a blow to the tobacco industry. Such personal politics rarely make for sound public policy. Proponents would better serve communities by funding prevention, behavioral health, and targeted wrap around services for the marginal communities they claim to represent.

Police brutality, according to the APHA, is a primary public health concern for the black community. This is the most concerning unintended consequence. If HF 904 passes menthol cigarettes will essentially become contraband and the spectrum of criminality hovering above the heads of POC will only increase. The potential for negative and deadly interactions increases due to the ability for police to stop and question under the guise of tobacco enforcement. This is the case whether possession of the contraband is a crime or not. Any effort to preempt this reality is an effort to forego the fight against illicit tobacco at the very time HF 904 creates a market for illicit vape and tobacco products.

Lastly, I would like to inform members of the MN legislature that such bans are unproven outside the consideration to quit by those surveyed. The reality is those that use these products consider quitting daily. I say this as a person who rolls his own organic unflavored tobacco. There is simply no easy way to undo a longtime public health issue outside of the hard work of behavioral health, public education, and related services. Services that will have less funding if HF 904 passes. For these reasons, I respectfully ask you to oppose HF 904.

Thanks for your time.

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Equitable Consulting