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To The Members of The Rhode Island Legislature
House Committee on Health & Human Services

**In Opposition to HB 6396 - A N A C T RELATING TO HEALTH AND SAFETY -- TOBACCO
PRODUCT SALES' RESTRICTIONS**

I am the National Chairman of The **National Association of Black Law Enforcement Officers, Inc.** (NABLEO). **NABLEO** is a 501(c)(3) non-profit, is a premier national organization representing the interests and concerns of African American, Latino and other criminal justice practitioners of color serving in law enforcement, corrections, and investigative agencies throughout the United States, and the communities in which they serve, to include several within the State of Rhode Island.

Having previously been a resident of the State of Rhode Island, serving as a sworn law enforcement officer for nearly twenty-five years, with the added distinction of having been one of the highest ranking African American police officers in the state, I am infinitely familiar with the various incidents of racial profiling, police brutality, and outright police misconduct as it relates to interactions between police and the State's communities of color that have occurred.

We write at this time to express our deep and serious concerns and opposition to the above captioned bill currently under consideration by your committee, which may only be viewed as a mephitic approach to issues as they relate to youthful use of e-cigarettes and vaping, while prohibiting the sale of menthol cigarettes as well as cigarettes with more than trace amounts of nicotine.

While there is little doubt that these considerations may be well intended, there must also be no doubt that prohibitions such as those being considered will not only disproportionately impact people and communities of color, but will also trigger criminal penalties, prioritizing criminalization over public health and harm reduction, and lead to increased instances of unconstitutional policing and other negative interactions with local law enforcement. These proposed prohibitions would, in fact, be antithetical to healthy, robust and productive relationships between law enforcement and those they are sworn to protect as these new regulations would presumably provide law enforcement officers with the authority, indeed the responsibility, to stop, interrogate and arrest persons on suspicion of selling or merely being in possession of untaxed cigarettes.

These prohibitions would do no more than add to the multitude of reasons used by law enforcement officers for pretextual, investigative encounters with members of the public, particularly in communities of color, and have already been evidenced to have drastic and damning effects on the interactions of law enforcement with members of the communities we serve.

Since 2014, numerous people of color have arrested, been severely beaten or lost their lives during encounters with law enforcement that began with pretextual stops focused on tobacco: Michael Brown, who in 2014 was shot and killed by a Ferguson, MO police officer after being suspected of stealing a box of cigarillos; Eric Garner, who in the same year died of a police chokehold because of illegally selling "loose" cigarettes; the beating and arrest by police of a

As well, these regulatory efforts appear not to have considered the obvious detrimental impact on communities of color, where the preferred cigarette is menthol, and approximately 80% of all African Americans who do smoke prefer to smoke menthol cigarettes. They as well seem to have totally disregarded the strong recommendations of the 2009 Federal Tobacco Control Act in reaching out to subject matter experts when developing the actual language of their legislation. To date, there has been no known input from law enforcement experts, and specifically none from members of any of the nearly thirty organizations representing African American and Latino criminal justice practitioners in the Northern United States who are infinitely aware of the devastating impact of adverse law enforcement interaction in communities of color.

When you engage in bans and prohibitions, you automatically insert law enforcement into the intervention strategy. And yet, no one in the public health community has reached out to law enforcement subject matter experts for their input. Our public health advocates have chosen to ignore the daily incidents of police brutality in communities of color and have labeled our concerns "fear-mongering" when it comes to the predictable unintended consequences of police encounters because of tobacco and vaping bans and prohibitions". Thus, it is short-sighted and dangerous to view tobacco and vaping policies from only a health perspective given pervasive negative interactions between police and people of color in the U.S.

It must be fully understood that a menthol cigarette ban would disproportionately impact communities of color, result in criminalization of the market, and provide law enforcement yet another opportunity to conduct the pretextual interactions which have ultimately resulted in the deaths of more than one hundred men and women of color throughout the nation. It is well noted that cigarette consumption is the lowest today in a generation. Underage cigarette use is down to 2.3% from 13% in 2002, and for adults it is down to 17.5% from 25.2% in 2002. Underage cigarette use among African American youths is also down to 1.1%, and for Latino kids 1.7%.

While we are in favor of the continuing efforts of various harm reduction policies that support community education, cessation, well-funded health care for communities of color, enforcement of the national minimum age of 21, and other measures that push tobacco use down without putting criminal justice reform at risk, we must also vehemently object to proposals such as those now under consideration, as they will only provide more opportunities for police to engage citizens on the street based on pretext or conduct that has no true basis in public safety. They will do no more than cause a greater racially disparate impact of the criminal legal system, thus threatening true progress on criminal justice reforms.

We strongly urge you to reconsider this legislation and the obvious unintended consequences it will have on a community that is now, again, being adversely targeted.

Respectfully,

A handwritten signature in cursive script that reads "Charles P. Wilson".

Lieut. Charles P. Wilson (Ret.)
National Chairman
NABLEO