
Tobacco Free Mass

Massachusetts Coalition for a Healthy Future

The Honorable Jo Comerford, Senate Chair
The Honorable Marjorie Decker, House Chair
Joint Committee on Public Health
State House, Room 130
Boston, MA 02133

Dear Chairs Comerford and Decker:

When the Massachusetts Legislature took the bold step of stopping the sale of flavored tobacco products in the Commonwealth, it greatly reduced the attractiveness of tobacco products to young people. The Legislature has passed thoughtful, innovative tobacco control policy that protects young people from the tobacco industry's tactics. The laws were intentionally written to anticipate new tobacco products and ensure their inclusion under the law.

Tobacco Free Mass opposes legislation that would weaken our Commonwealth's comprehensive tobacco law. Several bills that have been proposed this session would weaken the law by providing exemptions from the flavor provision.

Flavored tobacco is designed to attract young people. Flavored vapes, cigarettes, and cigars look harmless and familiar to kids while hiding the bad taste of tobacco. These flavors motivate kids to use e-cigarettes. According to a report from the CDC and FDA, almost a third of the middle and high school students who used e-cigarettes in 2016 said the availability of flavors was a main reason they did.

In fact, 80% of Massachusetts' high school youth who were current tobacco users reported using a flavored tobacco product in the past 30 days (Massachusetts Youth Health Survey, 2017). Mint, wintergreen, and menthol are popular flavors among young people, and they are one of the most popular JUUL flavors among youth.

Under Massachusetts' law, new products, including those approved by the FDA for market, can only be sold here if they are not flavored. Because the legislation is comprehensive, the flavor provision covers these new tobacco products, even including those that contain synthetic nicotine.

Allowing even one product type an exemption to the flavor provision would substantially weaken the law. A blanket repeal of the flavor provision would set us back years, even decades, in our efforts to protect young people from the tobacco industry.

American Cancer Society Cancer Action Network | American Heart Association | American Lung Association | Association for Behavioral Healthcare | Bay State Community Services | Berkshire AHEC | Blue Cross Blue Shield of Massachusetts | Boston Public Health Commission | Dana Farber Cancer Institute | Gandara Center | Greater Lawrence Family Health Center | Health Foundation of Central Massachusetts | Health Resources in Action | Institute for Health and Recovery | Massachusetts Academy of Family Physicians | Massachusetts Association of Health Boards | Massachusetts Chapter of the American Academy of Pediatrics | Massachusetts Dental Society | Massachusetts Health and Hospital Association | Massachusetts Health Officers Association | Massachusetts Medical Society | Massachusetts Medical Society Alliance | Massachusetts Municipal Association | Mercy Medical Center | MetroWest Health Foundation | MGH Community Health Associates | Partners Health Care | Public Health Advocacy Institute | UMass Center for Tobacco Treatment Research & Training | UMass Memorial Health Care

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We oppose H2337/S2483 (Cahill/O'Connor): An Act relative to tobacco harm-reduction. This bill would weaken the new tobacco flavor law by allowing flavored products that are classified as modified risk products. We oppose allowing any flavored tobacco product to be sold, regardless of product classification.

Menthol flavoring has long been used by the tobacco industry to target people who are Black, Latinx, and/or LGBTQ+. Because it masks the flavor of tobacco and numbs the throat, the companies have also used it to get young people started using tobacco. In fact, youth smokers are more likely to use menthol cigarettes than any other age group. Over half (54%) of youth smokers ages 12-17 use menthol cigarettes. In contrast, less than one-third of smokers ages 35 and older use menthol. The prevalence of menthol use is even higher among African American youth: seven out of ten African-American youth smokers smoke menthol cigarettes.

We are proud that Massachusetts has taken a stand against the tobacco companies' cynical use of menthol flavoring. **We oppose the following legislation, which would reverse the menthol provision in the law and allow menthol flavored tobacco to be sold in Massachusetts:**

- H2406 (Silvia): An Act to repeal the state menthol ban.
- S1433 (Fattman): An Act to repeal the state menthol ban.
- S1373 (Brownsberger): An Act to protect communities of color. (This was filed as a petition request and the Senator has been very vocal that he does not support this.)

We support H2310/S1459 (Gouveia/Lewis): An Act to protect youth from the harms of tobacco and E-cigarette products. This bill would restrict the sale of tobacco products to adult-only tobacconists and smoking bars, removing it from young peoples' environment, denormalizing it and making it much less available.

Because of the commitment of the Legislature, Massachusetts is the first state in the nation to protect its young people by banning the sale of all types of flavored tobacco products, including menthol cigarettes, flavored vapes, and flavored dissolveables. This legislation is an example also because of its forward-thinking definitions, which encompass new types of products and make it unnecessary to continually change the law to catch up. Any exemptions in this law will weaken it considerably and undermine the very public health protections it has established.

Tobacco Free Mass advocates for legislation, policies and programs that counteract the tobacco industry's impact on the people of Massachusetts, focusing on those most affected by tobacco use and its harms. We work to increase awareness of tobacco issues, help tobacco and nicotine users quit, prevent young people from starting, and ensure that no one is exposed to secondhand smoke or e-cigarette aerosol.

We ask that you remain firm on your commitment to protecting young people from the tobacco industry and refuse to pass these harmful efforts to weaken Massachusetts' landmark tobacco law.

Sincerely,



Gwendolyn M. Stewart

Executive Director, Tobacco Free Mass