



# The African American Tobacco Control Leadership Council



**February 27, 2025**

**To:** Oregon Senate Committee on Early Childhood and Behavioral Health, Senator Lisa Reynolds, Chair; Senator Dick Anderson, Vice Chair; Senator Chris Gorsek, Member; Senator Diane Linthicum, Member and Senator Deb Paterson, Member

**From:** The African American Tobacco Control Leadership Council

**Re: Prohibit the Sale of Menthol and all Other Flavored Tobacco Products in Oregon! No Exemptions: All Flavors, All Products at All Locations! Pass SB 702**

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Senate Committee on Early Childhood and Behavioral Health pass SB 702 which would prohibit the sale of menthol and all flavored tobacco products, with no exemptions. We are glad to see that this Legislation has finally made its way back to the Oregon Senate. Frankly, this couldn't come at a better time. We already know that 75% of youth and young adults start smoking using flavored cigarettes (Watkins et al., 2022). If the Committee truly wants a healthier Oregon, and we believe that you do, then it is imperative that menthol flavored cigarettes and flavored little cigars be prohibited. This will end the predatory marketing of these products that disproportionately impacts poorer communities, marginalized groups, youths, and communities of color.

**Menthol the Ultimate Candy Flavor; It Helps the Poison Go Down Easier!**

**This is no minor matter.** Menthol and flavored tobacco products are driving tobacco-related deaths and diseases nationwide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, the most marginalized groups



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disproportionately use these so-called “minty” products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be appraised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and the most disturbing menthol cigarettes are *cheaper in the Black community* compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Black folks dying disproportionately from heart attacks, lung cancer, strokes, and other tobacco related diseases (RSG, 2014, 2024).

**Take note that new research, shows that menthol cigarettes were responsible for 1.5 million new smokers, 157,000 smoking-related premature deaths and 1.5 million life-years lost among African Americans over 1980–2018. While African Americans constitute 12% of the total US population, these figures represent, respectively, a staggering 15%, 41% and 50% of the total menthol-related harm (Mendez & Le, 2021).**

The Committee should be aware that menthol is an anesthetic, and as if to add insult to injury, it masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. The greater the nicotine intake, the greater the addiction. Hence, it is no surprise menthol cigarette users find it harder to quit than non-menthol cigarette users (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; **ultimately, menthol and all flavors allow the poisons in cigarettes and cigarillos “to go down easier!”**

### **Hookah: The Manipulation of Culture for Industry Profits!**

While we have all become aware of the meteoric rise of E-Cigarette use, especially among kids, another addictive product is growing in popularity: flavored shisha / Hookah. Let’s not be fooled: passing tobacco smoke through water does nothing to stop the user from inhaling all the toxins, nicotine and cancer-causing chemicals associated with tobacco smoking. Let’s be clear, Hookah is just as deadly as cigarettes, if not more. Studies show that in a single hookah smoking session of 40 minutes, smokers consume 25 times the tar, 125 times the smoke 2.5 times the nicotine and 10 times the carbon monoxide compared to smoking a cigarette (Primack et al., 2016). Moreover, both patrons and employees at Hookah lounges are exposed to elevated levels of 2<sup>nd</sup> hand smoke and are already recognized cause of cancer (Zhou et al., 2016)

Then there is the fiction that Hookah smoking is a 1000-year-old tradition in the Middle East. Look, tobacco only made its way the Europe some 500 years ago and only gradually made its way to the Middle East 3 to 4 hundred years ago. Make no mistake about it, it’s the Hookah



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Lounge owner's manipulation of culture argument and adding a broad array of flavors that was done to attract more users and ultimately more profits. **Flavored shisha like Blue Mist, Irish Kiss and Sex on the Beach has nothing to do with Middle Eastern Culture!** Once it was determined in the 1960s that smoking kills, Islamic Leaders deemed tobacco, Hookah and Shisha Forbidden. At bottom, Hookah lounges with their nightclub atmosphere have nothing to do with Middle Eastern Culture, rather it's all about the Benjamin's! **It's not about getting rid of all hookahs or all tobacco products, it's about getting rid of all flavors, at all places, in all products, period.**

### We Can't Wait for the FDA

Indeed, in June of 2020, the State of Massachusetts became the first State to prohibit the sale of menthol and all flavored tobacco products state-wide and in November of 2022, California followed suit and became the second state to do so. Your committee can take the first step in making Oregon the 3<sup>rd</sup> State to prohibit the sale of menthol products. Today over 100 municipalities prohibit the sale of all menthol tobacco products including flavored e-juices: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://no-smoke.org/wp-content/uploads/pdf/flavored-tobacco-product-sales.pdf>.

Let's be clear: The FDA has been dragging its feet for 16 years! All other flavored cigarettes were removed from the marketplace in 2009, but not menthols. And even after the FDA put forward a rule in 2023, the previous Biden Administration didn't enact it, they just sat on it. And to add insult to injury, the current Trump administration has withdrawn the rule from consideration and sent it back to the FDA. The Federal government has been dragging its feet far too long on this issue. Look at the all the deaths, especially of African Americans that have taken place because of this neglect over the past 16 years. Enough! **The bottom line is that we can't wait for the FDA. Oregon State must take steps to protect the health of their citizens, lives are at stake!**

### Who Are the Racists: The Tobacco Control Advocates or the Tobacco Industry?

Some groups funded by the tobacco industry insist that removing menthol cigarettes and flavored little cigars would be taking away "our" cigarette; we'd be discriminatory; racist. This line of argumentation stands history on its head. As was pointed out earlier, it was and is the tobacco industry that predatorially markets these products in the Black Community. The facts are these: there are more advertisements, more lucrative promotions, and the most disturbing thing is that menthol cigarettes are **cheaper in the Black Community** compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). This is how these flavored death sticks became "our" cigarettes, they pushed them down our throats!



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Still other groups, spurred on and funded by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. All ordinances adopted around the country *prohibit the sale* of flavored products, *they don’t prohibit the possession* of these products. Indeed, the FDA proposed rule states explicitly that there are no penalties for individual use or possession. The facts are that the adoption of menthol restrictions will not lead to police having any greater interaction with any youth; it won’t be illegal to possess these products, just retailers cannot sell them.

These same groups rail about “unintended consequences.” We respond: **Look at the Intended Consequences!** As mentioned before, Black folks die disproportionately from tobacco related diseases of heart disease, lung cancer, and stroke compared to other racial and ethnic groups. (RSG, 2014); menthol cigarettes and flavored little cigars are the agents of that destruction. It is estimated that 45,000 Black folks die each year from tobacco related diseases (RSG, 1998). In this regard, the Committee should remove all criminal penalties associated with the purchase, use and possession of all tobacco products. Decriminalize tobacco! Hold retail owners responsible, not clerks, don’t punish kids!

### The AATCLC

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though we are based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago, Boston, Columbus, Washington D.C., Atlanta, New York City and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings in 2010 and 2011 when the agency was first considering the removal of menthol cigarettes from the marketplace. In November of 2019 we testified on Capitol Hill in support of HR 2339 (The Pallone Bill), this bill would prohibit the manufacturing and sale of menthol and all flavored tobacco products throughout the United States. This Bill was passed in the House of Representatives in February of 2020 but went nowhere in the Senate. In June of 2020 the AATCLC along with its partner Action on Smoking and Health (ASH) filed a lawsuit against the FDA for dragging their feet by leaving menthol on the marketplace with overwhelming scientific evidence showing that it



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should be removed immediately. Subsequently and importantly the American Medical Association (AMA) and the National Medical Association (NMA) have joined the lawsuit as plaintiffs. Today, after withdrawing our complaint in 2022, we refiled in 2024 because the FDA didn't and hasn't kept its promises. We have also amended our suit and have added 5 individual menthol smokers as plaintiffs to strengthen our standing with the court. Be apprised that the government is still trying to dismiss the case.

### Call to Action!

Now is the time to adopt strong tobacco control measures that can protect our families; pass SB 702. We already know that menthol and flavors “makes the poison go down easier.” The Council needs to put the health of Oregon’s Citizens in the forefront of their thoughts, not the interests and profits of the tobacco industry, the vaping industry, and their surrogates. This is not the time for half-steps, like continuing to allow these products to be sold in adult-only venues, rather it is time to take a stand for the public’s health and say: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices and Flavored Hookah in the State of Oregon!** Say “No” to the continued predatory marketing of menthol flavored tobacco products to our youth and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** residents of Oregon.

### Pass SB 702!

Sincerely,

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