



Unintended Consequences of Menthol Prohibition

The intent to limit the public health costs of tobacco, especially among youth, is to be applauded. However, blanket bans of menthol cigarettes may promote inequities in the criminal justice system, push sales and tax revenue to other jurisdictions, increase the illicit tobacco trade, and fail to improve public health.

Cigarette smoking in the U.S. has decreased steadily over the decades. The most pronounced [decline](#) in smoking has been among youth, with just 1.6 percent of middle and high school students having smoked a cigarette in the past month. Adult smoking has also [collapsed](#) to 11.5 percent. Despite these successes, there is a fresh impetus to ban menthol cigarettes on the grounds that these products are particularly attractive to youth, harder to quit, and increase health inequities.

Of the small population of youth smokers, almost 60 percent [use](#) a nonmenthol product. While it's true that the majority of black Americans who smoke use a menthol product, black youth smoke at lower rates than other groups. According to the American Cancer Society, a major reason for the [narrowing](#) of cancer disparities between the black and white populations is that black Americans have quit smoking at a faster rate or refused to start smoking in the first place in greater numbers than whites. Evidence from Vanderbilt University also [shows](#) there is no difference in quit rates between menthol and nonmenthol smokers regardless of race.

Criminal justice and fiscal concerns

- In 2020, Massachusetts became the first state to ban the sale of menthol cigarettes. Sales of cigarettes in the neighboring states of New Hampshire and Rhode Island skyrocketed, and Massachusetts lost [\\$125 million](#) in fiscal year 2021. Massachusetts' smoking rate barely budged, with a decline of just 0.5 percentage points in 2021.
- According to the Massachusetts Multi-Agency Illegal Tobacco Task Force, more [criminal penalties](#) are needed to deter the growing illicit market and more storage space needs to be leased to house confiscated products.
- Because minority smokers disproportionately use menthol products, minority communities are acutely vulnerable to the illicit menthol market, which could increase police interactions and tensions between communities of color and law enforcement.

A harm-reduction alternative

- The U.S. Food and Drug Administration has authorized several e-cigarettes, oral tobacco, and heated tobacco products as "appropriate for the protection of public health" because they're safer than cigarettes and help smokers quit. Allowing adults access to these products can reduce smoking rates more effectively than menthol bans, without the aforementioned unintended consequences

Takeaway: With adult and youth smoking reaching generational lows and still falling, there is little reason to use the blunt force of prohibition to reduce smoking rates.

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