

WASHINGTON

Menthol cigarette ban indefinitely postponed by Biden administration

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WASHINGTON >> President Joe Biden's administration is indefinitely delaying a plan to ban menthol cigarettes, a decision that is certain to infuriate anti-smoking advocates but could avoid a political backlash from Black voters in November.

In a statement Friday, Biden's top health official gave no timeline for issuing the rule, saying only that the administration would take more time to consider feedback, including from civil rights groups.

"It's clear that there are still more conversations to have, and that will take significantly more time," Health and Human Services Secretary Xavier Becerra said in a statement.

The White House has held dozens of meetings in recent months with groups opposing the ban, including civil rights organizers, law enforcement officials and small business owners. Most of groups have financial ties to tobacco companies.

The announcement is another setback for Food and Drug Administration officials, who drafted the ban and predicted it would prevent hundreds of thousands of smoking-related deaths over 40 years. The agency has worked toward banning menthol across multiple administrations for more than a decade without ever finalizing a rule.

"This decision prioritizes politics over lives, especially Black lives," said Yolanda Richardson of the Campaign for Tobacco-Free Kids, in an emailed statement. "It is especially disturbing to see the administration parrot the false claims of the tobacco industry about support from the civil rights community."

Richardson noted that the ban is supported by groups including the NAACP and the Congressional Black Caucus.

Previous FDA efforts on menthol have been derailed by tobacco industry pushback or competing political priorities. With both Biden and former President Donald Trump vying for the support of Black voters, the ban's potential impact has been scrutinized by Republicans and Democrats heading into the fall election.

Anti-smoking advocates have been pushing the FDA to eliminate the flavor since the agency gained authority to regulate certain tobacco ingredients in 2009. Menthol is the only cigarette flavor that wasn't banned under that law, a carveout negotiated by industry allies in Congress. But the law instructed the FDA to continue studying the issue.

More than 11% of U.S. adults smoke, with rates roughly even between white and Black people. But about 80% of Black smokers smoke menthol, which the FDA says masks the harshness of smoking, making it easier to start and harder to quit. Most teenagers who smoke cigarettes also smoke menthols.

The FDA released its draft of the proposed ban in 2022. Officials under Biden initially targeted last August to finalize the rule. Late last year, White House officials said they would take until March to review the measure. When that deadline passed last month, several anti-smoking groups filed a lawsuit to force its release.

“We are disappointed with the action of the Biden administration, which has caved in to the scare tactics of the tobacco industry,” said Dr. Mark Mitchell of the National Medical Association, an African American physician group that is suing the administration.

Separately, Rev. Al Sharpton and other civil rights leaders have warned that a menthol ban would create an illegal market for the cigarettes in Black communities and invite more confrontations with police.