



Written by [Selwyn Duke](#) on April 27, 2023

NY Governor Pushes Legal Pot, but Is Test-marketing Complete Tobacco Ban

A few decades ago we had Al Gore, who boasted about fighting Big Tobacco not 10 years after boasting about having grown mucho tobacco. Now we have the third-millennium version of smoking out of both sides of your mouth:

New York Governor Kathy Hochul is reportedly “test marketing” a complete ban on tobacco products — while her state is encouraging residents to buy marijuana at legalized pot dispensaries.

Apparently, all smoke particles inhaled into your lungs are equal, but some are more equal than others.

Yes, New York, which studies have found is already our country’s [least free state](#), is fighting hard to retain that title. Per the [New York Post](#):



The pro-legal weed Hochul administration is quietly trying to fire up support for a complete ban on the sale of tobacco products in New York, The Post has learned.

The state Health Department commissioned a new survey aimed at gauging support for an all-out prohibition — despite Gov. Hochul’s failure to secure support from state legislators to include a ban on menthol cigarettes and other flavored tobacco products in the yet-to-be-approved state budget.

“What is your opinion about a policy that would end the sale of all tobacco products in New York within 10 years?” were among the questions asked last week in the “New York Local Opinion Leaders Survey,” examined by the Post.

Another asks: “What is your opinion about a policy that would ban the sale of all tobacco products to those born after a certain date? For example, those born after the year 2010 ... would never be sold tobacco.”

What’s next? People born after 2010 will never be sold gas-powered cars?

The survey also tried to gauge support for limiting the number of retailers that could sell tobacco in a community (aka, picking winners and losers) and forbidding its sale near schools. Why the latter would be necessary since minors are already prohibited from buying tobacco was not explained.

But it’s “obvious the Health Department is ‘test marketing’ potential new smoking policies, and such surveys are not typically funded by taxpayers but through private companies, think tanks, or political campaigns, an Albany insider said,” the *Post* also relates.

“‘An outright ban being considered ... is all new territory,’ the insider said,” the paper continues. “‘And



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I've never seen anything like this where [the state] uses this kind of focus grouping, alliance building, momentum building."

Commenting on this, PJ Media's Ben Bartee [writes](#) that we should "take a moment to appreciate how calculated nearly all politicians are (with the notable and glaring exception of Trump, who lets it rip, for better or worse, off the cuff)."

"If Hochul believes that a tobacco ban is justified under public health auspices, why would she need to expend the time, effort, and money to do this kind of 'test marketing'?" he continues.

"This is the kind of finger-in-the-wind behavior that people absolutely hate in politicians" — but also absolutely support in politicians.

That is, if people are going to vote *against* candidates such as Trump, Marjorie Taylor Greene, and Lauren Boebert because they sometimes say impolitic things (the "I hate his tweets!" phenomenon) and *for* the plastic, packaged, processed, focus-grouped phonies, then phoniness they will get — and richly deserve.

The reality is that "real," down-to-earth people — the kind of "citizen legislators" we should all want — sometimes make, in their realness, silly or even stupid comments. What's even stupider is deciding to not support such candidates solely based on some errant but mostly harmless talk.

In fact, the most destructive things politicians do are often never voiced on the campaign trail. Why, Hochul herself had recently [proposed](#) to trump suburbs' zoning powers so that high-density housing could be constructed in them (i.e., so they could be made an extension of NYC). The reaction? Some Hochul voters said they wouldn't have supported her had they known about her scheme.

As for tobacco, Kent Sopris, president of the New York Association of Convenience Store Owners, said that a ban not only would put some retailers out of business, but would fuel a black market.

For sure, one could wonder if Hochul has heard about [Prohibition](#). Instituted via the 18th Amendment in 1920, it banned intoxicating liquors nationwide, but was so counterproductive that it was repealed by way of the 21st Amendment in 1933.

This isn't to say that bans are never justifiable in principle. The illegal drug "[bath salts](#)" (synthetic cathinones), for example, is so likely to cause [dangerous psychosis](#) that its prohibition is understandable. But when a given ban is unjust, many citizens will know it — and resistance can be profound.

This story is also a lesson in the perils of "democracy," in how a people can tyrannize itself. As I [wrote](#) in 2010, addressing an Obama-era tanning-salon tax, remember "that most any behavior or activity — tanning, fishing, dodgeball, hunting, etc. — is only practiced by a minority of the population. Thus, make the rounds demonizing behaviors, and you can eliminate freedom after freedom simply by rallying a different majority in each case."

As to this, [only 12 percent](#) of New Yorkers now smoke tobacco (slightly lower than the [percentage of pot users](#)). So, who knows? Maybe a ban would fly politically.

The only positive thing about Hochul's contemplated scheme is that it's more honest than demonizing a product while simultaneously [making almost \\$2 billion](#) yearly off it in "sin taxes."

But, hey, without that revenue, how could statists fund the worst sinner of all — big government?



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