



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

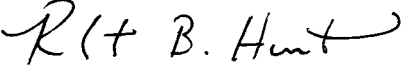
No. 1558

H.P. 1003

House of Representatives, April 11, 2023

**An Act to Prohibit the Sale of Tobacco Products in Pharmacies and
Retail Establishments Containing Pharmacies**

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Senator INGWERSEN of York and
Representatives: CRAVEN of Lewiston, GRAHAM of North Yarmouth, MADIGAN of
Waterville, MEYER of Eliot, PERRY of Bangor, SHAGOURY of Hallowell, ZAGER of
Portland, Senator: BALDACCI of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1551, sub-§6** is enacted to read:

3 **6. Pharmacy.** "Pharmacy" means a retail pharmacy as defined in Title 24-A, section
4 4347, subsection 19.

5 **Sec. 2. 22 MRSA §1551-A, sub-§6** is enacted to read:

6 **6. Pharmacies and retail establishments with a pharmacy ineligible for retail**
7 **tobacco license; civil penalty.** This subsection governs pharmacies and retail
8 establishments containing a pharmacy.

9 A. A pharmacy is ineligible for a retail tobacco license. A pharmacy that engages in
10 retail sales, including retail sales through vending machines or in free distribution of
11 tobacco products, that sells, keeps for sale or gives away in the course of trade any
12 tobacco products to anyone commits a civil violation for which a fine of not more than
13 \$2,000 may be adjudged. Each day a pharmacy is in violation of this paragraph
14 constitutes a separate offense.

15 B. A retail establishment containing a pharmacy is ineligible for a retail tobacco
16 license. A retail establishment containing a pharmacy that engages in retail sales,
17 including retail sales through vending machines or in free distribution of tobacco
18 products, that sells, keeps for sale or gives away in the course of trade any tobacco
19 products to anyone commits a civil violation for which a fine of not more than \$2,000
20 may be adjudged. Each day a retail establishment containing a pharmacy is in violation
21 of this paragraph constitutes a separate offense.

22 **Sec. 3. Effective date.** This Act takes effect January 1, 2024.

23 **SUMMARY**

24 This bill provides that pharmacies and retail establishments containing a pharmacy are
25 ineligible for a retail tobacco license and provides that a pharmacy or retail establishment
26 containing a pharmacy that engages in retail sales of tobacco products commits a civil
27 violation.