



**Testimony of Maine Public Health Association In Support of:
LD: 1558: An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments
Containing Pharmacies**

Joint Standing Committee on Health and Human Services
Room 209, Cross State Office Building
Tuesday, April 25, 2023

Dear Senator Baldacci, Representative Meyer, and distinguished members of the Joint Standing Committee on Health and Human Services. My name is Rebecca Boulos. I am a resident of South Portland and executive director of Maine Public Health Association.

MPHA is the state's oldest, largest, and most diverse association for public health professionals. We represent more than 700 individual members and 60 organizations across the state. The mission of MPHA is to improve and sustain the health and well-being of all people in Maine through health promotion, disease prevention, and the advancement of health equity. As a statewide nonprofit association, we advocate, act, and advise on critical public health challenges, aiming to improve the policies, systems, and environments that underlie health inequities – but which also have potential to improve health outcomes for all people in Maine. We are not tied to a national agenda, which means we are responsive to the needs of Maine's communities, and we take that responsibility seriously.

This bill would designate pharmacies and retail establishments with a pharmacy as ineligible for a retail tobacco license.

Tobacco use among Maine youth and adults is higher than national averages. Among Maine high school students, 20% use some form of tobacco, including cigarettes, cigars, e-cigarettes, and smokeless tobacco,¹ compared with 13.4% nationally.² Thirty-two percent of high school students have ever used e-cigarettes (17.4% in the past 30 days).¹ The use of tobacco products among Maine adults is slightly lower than the youth use rate (16.5%) but still higher than the national average (15.5%).³

Despite action by the U.S. Food & Drug Administration (FDA), flavored e-cigarettes – especially menthol e-cigarettes and sweet-flavored disposables – remain widely available. Flavored tobacco products, including cigarettes, cigars, chewing tobacco, and e-cigarettes, undermine Maine's efforts to reduce youth tobacco use. Half of youth who have ever tried smoking started with menthol cigarettes.⁴ And while almost all e-cigarettes contain liquid nicotine,⁵ which the EPA classifies as an acute hazardous waste,⁶ too many Maine youth think it's just harmless flavoring.¹

In addition to nicotine, tobacco products contain other harmful ingredients, including ultrafine particles that can be inhaled deep into the lungs. There is evidence to suggest that these particles lead to cardiovascular injury, with links to negative effects on resting heart rate, blood pressure and the cells that line the blood vessels. Bystanders can breathe in this aerosol. E-cigarettes also contain flavorants such as diacetyl, a chemical linked to serious lung disease; volatile organic compounds; and heavy metals, such as nickel, tin, and lead.

Menthol cigarettes are the most dangerous tobacco product because the flavoring makes it easier for youth to start smoking and become addicted to cigarettes.⁷ Menthol masks the harsh taste of tobacco and numbs the throat, making the smoke easier to inhale more deeply.⁸ People who smoke menthol cigarettes are also less likely to successfully quit smoking than other people who smoke.⁹

Some pharmacy retailers have already made the decision to stop selling tobacco products. For example, in 2014, [CVS announced its stores would no longer sell tobacco products. While they lost direct revenue from tobacco product sales, their overall revenue has grown from different strategies.](#)

Here in Maine, [Hannaford has stopped selling tobacco products](#), including cigarettes, cigars, e-cigarettes and pipe tobacco, and indeed won Maine Public Health Association's 2020 Public Health Business Champion Award in part for this decision.

Tobacco use puts our kids' health and futures at risk. Smoking causes disease and disability, harming nearly every organ of the body.¹⁰ This proposed bill will protect public health, and MPHA is in strong support. We respectfully request you to vote LD 1558 "Ought to Pass." Thank you for your consideration.

¹ Maine Department of Health & Human Services & Maine Department of Education. [Maine Integrated Youth Health Survey](#). 2021.

² Gentzke AS, Wang TW, Cornelius M, et al. Tobacco product use and associated factors among middle and high school students — National Youth Tobacco Survey, United States, 2021. *MMWR Surveill Summ* 2022;71(No. SS-5):1–29.

³ U.S. Centers for Disease Control and Prevention, Behavioral Risk Factor Surveillance System, 2020.

⁴ Cohn AM, Rose SW, D'Silva J, Villanti AC. Menthol smoking patterns and smoking perceptions among youth: Findings from the Population Assessment of Tobacco and Health Study. *Am J Prev Med*. 2019 Apr;56(4):e107-e116.

⁵ Romberg AR, Miller Lo EJ, Cuccia AF, Willett JG, Xiao H, Hair EC, Vallone DM, Marynak K, King BA. Patterns of nicotine concentrations in electronic cigarettes sold in the United States, 2013-2018. *Drug Alcohol Depend*. 2019 Oct 1;203:1-7.

⁶ Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 FR 5816, August 21, 2019.

⁷ U.S. Centers for Disease Control and Prevention. [Menthol and cigarettes](#).

⁸ Watson CV, Richter P, de Castro BR, Sosnoff C, Potts J, Clark P, McCraw J, Yan X, Chambers D, Watson C. Smoking behavior and exposure: Results of a menthol cigarette cross-over study. *Am J Health Behav*. 2017 May 1;41(3):309-319.

⁹ Park-Lee E, Ren C, Sawdey MD, Gentzke AS, Cornelius M, Jamal A, Cullen KA. Notes from the Field: E-Cigarette use among middle and high school students - National Youth Tobacco Survey, United States, 2021. *MMWR Morb Mortal Wkly Rep*. 2021 Oct 1;70(39):1387-1389.

¹⁰ U.S. Centers for Disease Control and Prevention, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion. [Smoking and tobacco use: Health effects](#).