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## IN OPPOSITION - LD 2157 An Act to Prohibit Tobacco Sales near Schools

February 1, 2024

Dear Senator Baldacci - Chair, Representative Meyer - Chair, and the Committee on Health and Human Services,

The Maine Grocers & Food Producers Association and the Retail Association of Maine are jointly opposed to LD 2157 that seeks to ban tobacco sales near schools. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise retailers, and convenience stores, distributors and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

While we understand the intent behind this proposal and fully support reducing youth access to tobacco products. It's essential to recognize the high compliance rates of age verification checks in place at tobacco retailers. Reports have consistently shown that the majority of tobacco retailers adhere to strict age verification protocols, ensuring that tobacco products do not end up in the hands of minors. Maine retailers embrace the National We Card Program, Maine's No Buts! Program, FDA Tobacco Training Materials and other training programs provided by wholesale and industry partners to combat underage tobacco purchase attempts. From all accounts, these safeguards are working. Over the last four years, 96.4% of Maine retailers were in compliance when checked for underage sales. Even better, since 2020 Maine has seen compliance rates increase from 92.72% to 96.6%. Restrictive measures that are detrimental to business are unjust when considering these high compliance rates.


The proposed ban fails to account for the diverse landscape of schools across our communities. The blanket application of this ban without consideration for the varying densities and distributions of schools could result in unintended consequences. In rural areas where schools are fewer and farther between, this ban could severely limit access to legal tobacco products for adult consumers without effectively addressing underage tobacco use. Conversely, in densely populated urban areas, the ban might have a more concentrated impact, potentially displacing tobacco retailers and exacerbating issues related to illicit sales. We question how many retailers this may impact and the scale of the proposal. In particular, we question the feasibility and specifics of product removal at market with licenses not renewed.

Furthermore, the proposed ban sets a concerning precedent for the regulation of other legal products. If we start with tobacco products, what's to stop similar bans on other items deemed unhealthy or inappropriate near schools? This could lead to a slippery slope where the government increasingly dictates what products can be sold and where, infringing upon individual liberties and the free market.


In conclusion, we share the goal of reducing underage tobacco use and promoting healthier communities, we believe the proposed ban on the sale of tobacco products within 1,000 feet of schools is not the most effective or equitable approach. Instead, we should focus on comprehensive education and prevention programs and stricter enforcement of existing regulations.

We urge you to reject this proposal that unfairly denies tobacco licensing renewals and prohibits new licenses near schools.

Thank you for the opportunity to provide testimony.



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