



### **Testimony in Opposition to LD 166:**

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

Senator Ingwersen, Representative Meyer, and the distinguished members of the Committee on Health and Human Services, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in opposition to LD 166, "An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments Containing Pharmacies."

Maine Policy Institute stands for policies that prioritize personal responsibility, free markets, and limited government intervention. LD 166 is a misguided attempt to regulate consumer behavior through government mandates, which will only lead to unintended economic and social consequences.

### **LD 166 Undermines Consumer Choice and Market Competition**

By prohibiting the sale of tobacco products in pharmacies and retail establishments containing pharmacies, LD 166 unfairly singles out certain businesses while allowing others to continue selling these legal products. This selective restriction creates an uneven playing field and arbitrarily disadvantages retailers that operate pharmacies within their establishments.

Furthermore, if purchasers want to go to pharmaceutical providers that don't sell tobacco products, they already have options. CVS Pharmacies, the nation's largest pharmaceutical provider, has not sold tobacco products in stores since 2014, and this maneuver was inspired in part by other Maine-based providers already following this policy.<sup>1</sup> Therefore, this bill would provide minimal benefit to consumers who are looking for pharmaceutical providers that don't sell tobacco products due to the current prevalence of options.

### **Economic Harm to Retailers and Small Businesses**

Pharmacies and retail stores that contain pharmacies are often vital economic contributors to their communities. Many of these businesses rely on tobacco product sales to maintain revenue streams that support jobs and operational costs. Prohibiting the sale of legal tobacco products in these establishments could result in significant

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<sup>1</sup> [https://www.pressherald.com/2014/02/06/cvs\\_follows\\_maine\\_chain\\_s\\_lead\\_on\\_tobacco\\_/](https://www.pressherald.com/2014/02/06/cvs_follows_maine_chain_s_lead_on_tobacco_/)



revenue losses, leading to job cuts or even store closures in some cases. This is especially concerning for small, locally-owned pharmacies and retailers operating on thin margins.

## **Ineffectiveness of Banning Tobacco Sales in Select Locations**

Historically, prohibitionist policies have been ineffective at reducing consumption of targeted products.<sup>2</sup> Instead, such restrictions tend to drive consumers to alternative retailers, online markets, or even illicit sales channels that lack the regulatory oversight of licensed retailers. LD 166 does not prevent consumers from purchasing tobacco products; it merely shifts where they obtain them, reducing convenience without achieving meaningful public health benefits.

Furthermore, studies have shown that blanket bans on tobacco products or flavored tobacco tend to increase illicit sales, thereby undermining state tax revenue and regulatory control.<sup>3</sup> For example, after Massachusetts implemented a ban on menthol cigarettes in 2020, the state saw a dramatic rise in cigarette smuggling, costing taxpayers millions in lost revenue while failing to curb smoking rates.<sup>4</sup>

## **A More Effective Approach: Education Over Regulation**

Rather than imposing selective bans that limit economic freedom and personal choice, Maine should focus on continuing successful public education campaigns that inform consumers—particularly young people—about the risks associated with tobacco use.<sup>5</sup> The decline in smoking rates over the last several decades has been largely attributed to education, awareness, and cessation rather than government-imposed sales restrictions.

## **Conclusion**

LD 166 is an unnecessary governmental overreach that unfairly targets certain businesses, threatens economic stability, and fails to effectively address the underlying issue of tobacco use. Instead of imposing additional restrictions on the sale of legal products, Maine should pursue evidence-based approaches, such as education and harm-reduction, to further reduce smoking rates without harming businesses or limiting consumer choice. We urge you to vote “Ought Not to Pass” on LD 166. Thank you for your consideration.

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<sup>2</sup>

<https://pouchpatrol.com/harm-reduction/prohibition-just-doesnt-work-so-why-is-tobacco-control-pushing-it/>

<sup>3</sup> <https://digitalcommons.pepperdine.edu/cgi/viewcontent.cgi?article=1057&context=sppworkingpapers>

<sup>4</sup> <https://www.cspdailynews.com/tobacco/flavor-bans-made-no-impact-massachusetts-necsema-says>

<sup>5</sup> <https://assets.tobaccofreekids.org/factsheets/0051.pdf>



For these reasons, Maine Policy Institute strongly urges the committee to vote **Ought Not to Pass** on LD 166. Thank you for your time and consideration.