

**Testimony of Marguerite Peggy Pennoyer, M.D.  
on behalf of the  
American Lung Association**

**In Support of LD 1215 “An Act to End the Sale of Flavored Tobacco Products” and**

**In Support of LD 1558 “An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments Containing Pharmacies”**

Good afternoon Chairs Baldacci and Meyer and distinguished members of the Joint Standing Committee on Health and Human Services. My name is Doctor Peggy Pennoyer of Scarborough and I am the Chair of the American Lung Association Maine Leadership Board. The Lung Association is the nation’s oldest voluntary public health organization with a mission to save lives by improving lung health and preventing lung disease. We do this through education, advocacy, and research.

The American Lung Association appreciates the opportunity to offer comments to you regarding two bills scheduled today for public hearing. We are offering testimony in support of LD 1215 and LD 1558. Both these measures will advance tobacco prevention efforts in Maine protecting public health and the best interests of our citizens. We urge you to vote Ought to Pass on both these measures.

**The Need is Clear:**

Tobacco use is a serious health hazard, causing or worsening a wide range of health conditions, including lung cancer, respiratory infections, and asthma. At the American Lung Association, we know that when you cannot breathe, nothing else matters.

Nationally and in Maine since the late 1990’s, we have been making tremendous progress in reducing cigarette smoking rates to all-time lows. However, this positive news has been tempered by a dramatic increase in youth e-cigarette use and a tobacco product use rate that hasn’t really changed in a decade. Unfortunately, with this stalled progress, Maine’s youth tobacco rate remains too high with 1 in 3 Maine High School youth using some form of tobacco products. Additionally, Maine’s adult tobacco use rate remains higher than the national average.

In 2023, tobacco use is a very present and real issue in Maine impacting too many, especially our most vulnerable populations. The health and financial impact to our state is substantial:

- 2,400 Mainers die due to tobacco annually.
- Tobacco costs Maine more than \$2.4 billion annually in health cost and lost productivity, including \$281 million to the state Medicaid program, every year.

## **LD 1558**

Across the nation, hundreds of thousands of smokers last purchased their cigarettes from a pharmacy. As trusted healthcare facilities, pharmacies are a place for customers to purchase products and medications to get well. Given the critical healthcare role pharmacies play in communities, they should not be selling a deadly product that kills up to one half of its users.

Selling tobacco in pharmacies sends a mixed message to consumers about the dangers of tobacco products. According to a study in the Journal of the American Medical Association, when filling prescriptions for chronic illnesses worsened by smoking, 1 in 20 customers also purchased cigarettes<sup>1</sup>. Some of the strongest evidence in support of Tobacco-Free Pharmacy laws comes from a study from the American Journal of Preventive Medicine which found that after CVS Health stopped selling tobacco in September 2014, cigarette pack sales decreased, and nicotine patch purchases increased in states where the chain had a large retail presence.<sup>2</sup>

Additionally, adolescents and young adults are uniquely vulnerable to the effects of nicotine and nicotine dependence, causing lasting, adverse consequences on brain development. Here in Maine, 33% of youth use at least one tobacco product. Through FDA compliance data, we know that some large pharmacy chains that still sell tobacco products are one of the leading sellers of tobacco products to underage individuals<sup>3</sup>.

Pharmacies should be part of the network of support that individuals can rely on to help end their addiction to nicotine, not fuel it. Recent work of the Maine Legislature has helped to increase the role of the pharmacist in tobacco treatment and cessation and now ending the sale of products at these locations will help further that goal. Ending the sale of tobacco in pharmacies is a critical step to reduce youth access and help smokers quit. According to a study in the Journal of Preventive Medicine, tobacco products in pharmacies make quit attempts for current smokers less successful.<sup>4</sup>

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<sup>1</sup> <https://www.ncbi.nlm.nih.gov/pubmed/25329817>

<sup>2</sup> Ali, Fatma Romeh M., et al. "Tobacco-Free Pharmacies and U.S. Adult Smoking Behavior: Evidence From CVS Health's Removal of Tobacco Sales." American Journal of Preventive Medicine, vol. 58, no. 1, 2020, pp. 41–49., doi:10.1016/j.amepre.2019.09.003.

<sup>3</sup> <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2698451>

<sup>4</sup> <https://doi.org/10.1016/j.yprmed.2017.05.005>

Tobacco-Free Pharmacy laws have been spreading around the country. Since 2008, more than 250 municipalities spread across four states have prohibited the sale of tobacco products in pharmacies. In 2018, Massachusetts became the first to pass a Tobacco-Free Pharmacy law at the state level and in April 2020, New York followed suit.

## **LD 1215**

Flavors, including menthol, are one of the main reasons kids use tobacco products and have played a big role in the youth vaping epidemic. Research shows that 81% of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of tobacco products.

Recognizing that almost all tobacco users begin their use during their adolescence or young adulthood, tobacco companies have spent billions of dollars marketing their products and making them more attractive to young people **and they will not stop trying to hook kids unless our elected leaders force them to do so.** It is well established that flavors are attractive to children and young people. Both the U.S. Surgeon General<sup>iv</sup> and the National Academy of Sciences, Engineering and Medicine<sup>v</sup> have written comprehensive reports on e-cigarettes that discuss the subject. For decades, the tobacco industry has used flavors to attract youth. Indeed, the industry's decades-long conspiracy to deceive the public includes many documents that demonstrate the industry's understanding of the role flavors play in kids starting to use tobacco products. While most flavored cigarettes are prohibited with the notable and unfortunate exception of menthol, the industry is once again using flavored e-cigarettes – as well as cigars – to attract youth – and then addict them. With products claiming to taste like Gummy Bears, Atomic Fireball, Captain Crunch, Apple Juice and a wide variety of other fruit, candy and sweet flavors, there is no question that these flavors appeal to youth.

There is strong evidence that certain flavor additives in e-cigarettes are particularly toxic to lungs when they are inhaled – especially those that are based on natural plant-based extracts, are menthol-based and food-related additives such as cinnamaldehyde. One study found that these additives significantly affect the lung cell viability and the respiratory barrier integrity.<sup>5</sup> Another study found that lower concentrations of these flavor additives in e-cigarettes caused inflammation and created symptoms consistent with endothelial dysfunction<sup>6</sup>. And of course, the presence of chemicals such as a diacetyl and acetyl propionyl, are associated with respiratory disease.<sup>7</sup>

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<sup>55</sup> <https://www.ahajournals.org/doi/10.1161/ATVBAHA.118.311156>

<sup>6</sup> Farsalinos, K.E., et al. (2014). Evaluation of Electronic Cigarette Liquids and Aerosols for the Presence of Selected Inhalation Toxins. *Nicotine & Tobacco Research*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4892705/>

<sup>7</sup> Fetterman, J.L., et al. (2018). Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction. *Arterioscler, Thrombosis, and Vascular Biology*. Retrieved from <http://atvb.ahajournals.org/content/early/2018/06/13/ATVBAHA.118.311156>

For more than a decade, the American Lung Association has urged the United States Food and Drug Administration to remove menthol and all flavored tobacco products from the marketplace. We applaud the movement by FDA to end the sale of menthol cigarettes and flavored cigars from the market but Maine kids cannot afford to wait for federal action. Knowing that it could be several years before federal rules addressing menthol cigarettes and flavored cigars take effect, we continue to urge states and localities to act now to end the sale of menthol cigarettes and all other flavored tobacco products.

I appreciate the opportunity to testify before you today on behalf of the American Lung Association. The Lung Association believes that the two measures before you to end the sale of tobacco products in pharmacies and of all flavored tobacco products statewide has the potential to significantly reduce tobacco use and save thousands of lives in our state. We urge your swift passage of the measure to help protect Maine's citizens from a lifetime of dependence on tobacco products.  
Thank you.