



**Testimony of Hilary Schneider, Regional Government Relations Director,
American Cancer Society Cancer Action Network**

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

April 25, 2023

Senator Baldacci, Representative Meyer, and members of the Health and Human Services Committee. My name is Hilary Schneider, and I am the Regional Government Relations Director of the North Atlantic Region for the American Cancer Society Cancer Action Network (ACS CAN). In this role, I serve as the lead Government Relations Director for Maine. ACS CAN, the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society, supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. As the nation's leading advocate for public policies that are helping to defeat cancer, ACS CAN ensures that cancer patients, survivors, and their families have a voice in public policy matters at all levels of government.

I would like to thank you for this opportunity to submit the following testimony in support of LD 1558. As you have heard already, this legislation would prohibit the sale of tobacco products from pharmacies and retail establishments that contain pharmacies in Maine.

Maine's cancer incidence rate is significantly higher than the national average, driven largely by a higher-than-average incidence of tobacco-related cancers. Maine has the 16th highest rate of adult smoking in the nation and the 9th highest rate of smoking-related cancer deaths.ⁱ You may be surprised to learn that Maine's adult smoking rate is higher than that of Georgia, Florida, North Carolina, and Texas. An estimated 2,400 deaths are caused by smoking each year in Maine including nearly 34% of cancer deaths.ⁱⁱ Smoking is estimated to cost Maine \$942 million in direct health care costs, including \$281 million in Medicaid costs annually.ⁱⁱⁱ

Selling tobacco in pharmacies sends a mixed message to consumers about the dangers of tobacco products. Easy access to a product encourages its use. Pharmacies are in the business of helping support people's health. Pharmacists are some of the most trusted health care professionals and important members of an individual's health care team. 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.^{iv} 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.^v

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, nearly 1 in 5 high school students used some form of tobacco product in the last 30 days, including nearly 30% of 12th graders.^{vi} Through FDA compliance data, we know that some large pharmacy chains that still sell tobacco products are

leading sellers of tobacco products to underage individuals.^{vii}

Tobacco-Free Pharmacy laws have been spreading around the country. Since 2008, 251 municipalities have prohibited the sale of tobacco products in pharmacies.^{viii} 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.

As mentioned above, CVS ended the sale of tobacco products years ago, along with many independent pharmacies in Maine. In addition, in July 2020, Hannaford announced it would phase out sales of tobacco products in all of its stores in the Northeast^x and in March 2022, Walmart announced it would stop selling tobacco products in some of its stores across the nation.^x Accordingly, the most recent list of tobacco retail licenses (April 3, 2023) in Maine does not include any Hannaford Supermarkets and the only Walmart that appears on the list is the “Walmart Fuel Station Auburn”.^{xi} Walgreens is the only pharmacy listed on the most recent tobacco retail license list.

For the above reasons, we urge you to vote “ought to pass” on LD 1558. We appreciate your time and consideration of our comments. I would be happy to answer any questions about this testimony.

ⁱ State adult smoking rates from the CDC 2021 Behavioral Risk Factor Surveillance System (BRFSS) data available online. Smoking-related cancer deaths data from the American Cancer Society.

ⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Maine. Updated Feb. 17, 2023, https://www.tobaccofreekids.org/facts_issues/toll_us/maine

ⁱⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Maine. Updated Feb. 17, 2023, https://www.tobaccofreekids.org/facts_issues/toll_us/maine

^{iv} Krumme AA, Choudhry NK, Shrank WH, Brennan TA, Matlin OS, Brill G, Gagne JJ. Cigarette purchases at pharmacies by patients at high risk of smoking-related illness. *JAMA Intern Med.* 2014 Dec;174(12):2031-2. doi: 10.1001/jamainternmed.2014.5307. PMID: 25329817, <https://www.ncbi.nlm.nih.gov/pubmed/25329817>

^v 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.

^{vi} Maine CDC, 2021 Maine Integrated Youth Health Survey (MIYHS), <https://www.maine.gov/miyhs/2021-results>.

^{vii} Lee JGL, Schleicher NC, Leas EC, Henriksen L. US Food and Drug Administration Inspection of Tobacco Sales to Minors at Top Pharmacies, 2012-2017. *JAMA Pediatr.* 2018;172(11):1089–1090. doi:10.1001/jamapediatrics.2018.2150

^{viii} <https://no-smoke.org/wp-content/uploads/pdf/pharmacies.pdf>

^{ix} <https://www.bangordailynews.com/2020/07/15/business/hannaford-to-stop-selling-tobacco-products-in-all-stores-in-the-northeast/>

^x <https://www.cnn.com/2022/03/28/business/walmart-cigarettes-sales-retail/index.html>

^{xi} <https://www.maine.gov/dhhs/mecdc/environmental-health/el/>