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### **LD 1558: An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments Containing Pharmacies**

**Presented by Rep. Matt Moonen, Portland**

**April 25, 2023**

Good afternoon, Senator Baldacci, Representative Meyer, and honorable members of the Joint Standing Committee on Health and Human Services. I am here today to present **LD 1558: An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments Containing Pharmacies**.

This bill is incredibly simple, and it does exactly what the title suggests: it prohibits pharmacies and retailers that contain pharmacies from selling tobacco by making them ineligible for a retail tobacco license, and further provides for fines for any pharmacy attempting to sell tobacco without such a license.

There are several good reasons for this policy:

- 1) Pharmacies play an absolutely critical role in health care in our communities. As such, they should not be selling a deadly product that is known to cause incredible harm to users and incredible costs to our health care system, including taxpayer-funded health care.
- 2) Because pharmacies are widely viewed as health care providers, it sends a mixed message to consumers about the dangers of tobacco products. According to a study in the *Journal of the American Medical Association*, 1 in 20 customers bought cigarettes *while filling prescriptions for chronic illnesses that are worsened by smoking*.
- 3) For years, pharmacists have been pushing us for additional powers that have historically been reserved for doctors and other medical professionals, and those matters have been hotly debated here in the State House. In recent years, we have started to grant a few of those requests. For example, I was proud to work on a bill a couple of years ago to allow pharmacists to prescribe and administer PrEP and PEP in the form of both pills and long-acting injectables, and right now there is another bill moving forward in HCIFS with

bipartisan support that would allow pharmacists to prescribe and dispense hormonal contraceptives. In the words of the immortal Spider-Man, “With great power comes great responsibility.” I suggest that with the medical powers we are giving pharmacists, we would be reasonable in having the expectation that they be held responsible for not selling tobacco.

You may be wondering about the impact this bill would have. I will share with you that CVS voluntarily ended the sale of tobacco in all of their stores back in 2014. Hannaford did the same in 2020. I want to commend both of these retailers with pharmacies for the tremendous leadership they have already demonstrated on this issue. I will also note that in 2022 WalMart announced that they were voluntarily ending the sale of tobacco in their stores in Arkansas, California, Florida, and New Mexico. I appreciate that move, too, but would like to see it expanded to Maine as well.

So that leaves just Walgreens and Shaws as the primary retailers with pharmacies that are not yet moving in this direction. I see no reason why we should wait around for them to do the right thing, and believe now is the time for us to take action.

Finally, I’d like to thank the American Lung Association and the Maine CDC for their support, and for the additional information they have provided in their testimony. I will do my best to answer questions, but suggest they might be better answered by those entities.

Thank you for your time and attention, and I hope you will join me in supporting this bill.