



American  
Heart  
Association.



American  
Lung  
Association.

**MPHA**  
Maine Public Health Association

Testimony of:  
American Cancer Society Cancer Society Action Network  
American Heart Association  
American Lung Association  
Maine Public Health Association

### IN OPPOSITION TO

*LD 2134, An Act to Create an Exception to the Prohibition of Tobacco Sales in Retail Establishments Containing Pharmacies for Certain Small Grocery Stores*

January 28, 2026

Senator Ingwersen, Representative Meyer, and Honorable Members of the Joint Standing Committee on Health and Human Services:

On behalf of the American Cancer Society Cancer Action Network (ACS CAN), the American Heart Association (AHA), the American Lung Association (ALA), and the Maine Public Health Association (MPHA), thank you for the opportunity to provide testimony in **strong opposition** to *LD 2134, An Act to Create an Exception to the Prohibition of Tobacco Sales in Retail Establishments Containing Pharmacies for Certain Small Grocery Stores*.

ACS CAN is the advocacy affiliate of the American Cancer Society (ACS), supporting evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. AHA is the nation's oldest and largest voluntary organization dedicated to fighting cardiovascular disease and stroke, and whose mission is to be a relentless force for a world of longer, healthier lives. ALA is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. MPHA is the state's oldest, largest, and most diverse association for public health professionals whose mission is to advance the health of all people and places in Maine.

Our organizations were proud to support all iterations of Representative Matt Moonen's bill to end tobacco sales in pharmacies, including LD 166, which led to the chaptered law (Public Law 2025, Chapter 493) LD 2134 seeks to amend. While we appreciate the concerns that led to this legislation, there remains a contradiction in profiting from the sale of tobacco products, a leading cause of preventable death in the United States, in the same setting where health care is provided, even if that setting is housed within a grocery store or other retail establishment. Continuing to sell tobacco and other tobacco products in a health-oriented environment sends mixed messages to consumers and young people and may present a health-related inherent conflict of interest.

As stated last session, tobacco use remains a leading cause of preventable death in the United States, and the U.S. is the only place in the world where tobacco products are sold in pharmacies. Tobacco accounts for nearly one in five deaths both in Maine and nationwide, and about one in six Maine adults currently smoke cigarettes, the highest smoking rate in the



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Northeast.<sup>1</sup> Tobacco use and exposure results in \$942 million in direct health care costs per year in our state.<sup>2</sup>

Pharmacists are one of the most trusted health care professionals and are a critical part of the health care team. As part of our health care delivery system, pharmacies, like hospitals and clinics, should be prohibited from selling tobacco products, as dictated by P.L. 2025 Ch. 493. For many consumers and visitors, including children, the presence of a licensed pharmacy, including within another retail establishment, creates the expectation of health promotion and professional medical guidance. This includes care for conditions and symptoms caused by tobacco use and tobacco cessation itself.

As such, the National Association of Boards of Pharmacies (NABP) issued the following statement as part of its "Policy Regarding Pharmacies Selling Tobacco Products" resolution, passed at the NABP 110<sup>th</sup> Annual Meeting in 2014:

"[...] [I]t is an inherent conflict of interest for pharmacies that dispense medications to treat heart disease, lung disease, and cancer to also sell tobacco products[...]"<sup>3</sup>

Based on LD 2134's bill language, it is our understanding that the exemption sought would apply to certain retail establishments that currently house a licensed pharmacy. Again, this is a location where community members seek vital health care, including treatments for conditions and symptoms related to heart disease, stroke, pulmonary disease, and cancer, as well as smoking cessation products, other health-related services like vaccinations, and health consultations. If granted an exemption, that same retail establishment will continue to profit by selling products known to cause heart disease, stroke, pulmonary disease, and cancer. This presents an ethical conflict for pharmacists, sends inconsistent and harmful messaging to patients, consumers, and children, and undermines the clear message that health care facilities should not and do not promote tobacco use in Maine.

We urge you to vote "Ought Not to Pass" on LD 2134. We appreciate your time and consideration of our comments.

<sup>1</sup> Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division of Population Health. BRFSS Prevalence & Trends Data [online]. 2021. [accessed Jan 16, 2026]. URL: <https://www.cdc.gov/brfss/brfssprevalence/>.

<sup>2</sup> Maine Center for Disease Control and Prevention. (2021). Maine Behavioral Risk Factor Surveillance System (BRFSS). Maine Department of Health and Human Services. [Accessed Jan 16 2026] URL: <https://www.maine.gov/dhhs/mecdc/data-reports/population-health/behavioral-risk-factor-surveillance-survey-bfss>

<sup>3</sup> National Association of Boards of Pharmacy. (n.d.). *Policy regarding pharmacies selling tobacco products (Resolution 110-3-14)*. NABP. Accessed: Jan 16, 2026. URL: <https://nabp.pharmacy/news-resources/resources/reports/annual-meeting-reports/policy-regarding-pharmacies-selling-tobacco-products-resolution/>



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