

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1558

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H.P. 1003

House of Representatives, April 11, 2023

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

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MOONEN of Portland.  
Cosponsored by Senator INGWERSEN of York and  
Representatives: CRAVEN of Lewiston, GRAHAM of North Yarmouth, MADIGAN of  
Waterville, MEYER of Eliot, PERRY of Bangor, SHAGOURY of Hallowell, ZAGER of  
Portland, Senator: BALDACCI of Penobscot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1551, sub-§6** is enacted to read:

3 **6. Pharmacy.** "Pharmacy" means a retail pharmacy as defined in Title 24-A, section  
4 4347, subsection 19.

5 **Sec. 2. 22 MRSA §1551-A, sub-§6** is enacted to read:

6 **6. Pharmacies and retail establishments with a pharmacy ineligible for retail**  
7 **tobacco license; civil penalty.** This subsection governs pharmacies and retail  
8 establishments containing a pharmacy.

9 A. A pharmacy is ineligible for a retail tobacco license. A pharmacy that engages in  
10 retail sales, including retail sales through vending machines or in free distribution of  
11 tobacco products, that sells, keeps for sale or gives away in the course of trade any  
12 tobacco products to anyone commits a civil violation for which a fine of not more than  
13 \$2,000 may be adjudged. Each day a pharmacy is in violation of this paragraph  
14 constitutes a separate offense.

15 B. A retail establishment containing a pharmacy is ineligible for a retail tobacco  
16 license. A retail establishment containing a pharmacy that engages in retail sales,  
17 including retail sales through vending machines or in free distribution of tobacco  
18 products, that sells, keeps for sale or gives away in the course of trade any tobacco  
19 products to anyone commits a civil violation for which a fine of not more than \$2,000  
20 may be adjudged. Each day a retail establishment containing a pharmacy is in violation  
21 of this paragraph constitutes a separate offense.

22 **Sec. 3. Effective date.** This Act takes effect January 1, 2024.

23 **SUMMARY**

24 This bill provides that pharmacies and retail establishments containing a pharmacy are  
25 ineligible for a retail tobacco license and provides that a pharmacy or retail establishment  
26 containing a pharmacy that engages in retail sales of tobacco products commits a civil  
27 violation.