

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2134

S.P. 832

In Senate, January 7, 2026

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

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CURRY of Waldo.

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

2 **Sec. 1. 22 MRSA §1551-A**, as amended by PL 2025, c. 367, §4 and affected by §20
3 and amended by c. 493, §2 and affected by §4, is further amended by amending the section
4 headnote to read:

5 **§1551-A. Retail tobacco sales license required**

6 **Sec. 2. 22 MRSA §1551-A, sub-§6**, as enacted by PL 2025, c. 493, §2 and affected
7 by §4, is amended to read:

8 **6. Pharmacies and retail establishments with a pharmacy ineligible for retail**
9 **tobacco license; civil penalty; transfer of funds.** This subsection governs pharmacies
10 and retail establishments containing a pharmacy.

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

17 B. ~~A~~ Except as provided in subsection 7, a retail establishment containing a pharmacy
18 is ineligible for a retail tobacco license. A retail establishment containing a pharmacy
19 that engages in retail sales, ~~including retail sales through vending machines or in free~~
20 ~~distribution of tobacco products~~, and sells, ~~to anyone or~~ keeps for sale ~~or gives away~~
21 ~~in the course of trade~~ any tobacco products ~~to anyone~~ commits a civil violation for
22 which a fine of not more than \$2,000 may be adjudged. Each day a retail establishment
23 containing a pharmacy is in violation of this paragraph constitutes a separate offense.

24 **Sec. 3. 22 MRSA §1551-A, sub-§7** is enacted to read:

25 **7. Exception to prohibition on license for retail establishments with pharmacy.**
26 Subsection 6, paragraph B does not apply to a retail establishment containing a pharmacy
27 if the following conditions are satisfied:

28 A. The retail establishment has no more than 26,000 square feet of indoor customer-
29 accessible sales area at the location for which the retail establishment is seeking a retail
30 tobacco license;

31 B. The retail establishment is operated primarily as a grocery store;

32 C. The pharmacy located on the premises of the retail establishment operates in a
33 separately demised, leased space under a written lease and holds a separate pharmacy
34 license;

35 D. The pharmacy was established by lease agreement within the retail establishment
36 location prior to July 7, 2025;

37 E. All tobacco sales made by the retail establishment occur outside the pharmacy's
38 leased premises, through the retail establishment's separate point-of-sale system and
39 from the retail establishment's separate inventory; and

40 F. The retail establishment complies with all other provisions of this chapter.

For the purposes of this subsection, "customer-accessible sales area" means the total floor area open to customers for display and sale of merchandise. "Customer-accessible sales area" does not include stockrooms, offices, restrooms, mechanical rooms or the pharmacy's demised premises.

For the purposes of this subsection, "grocery store" means a retail food store that offers for sale a variety of foods for home preparation and consumption, including perishable items, and derives a substantial portion of sales from food.

SUMMARY

This bill creates an exception to the provision of law that prohibits a retail establishment that contains a pharmacy from obtaining a retail tobacco license. Under the bill, a grocery store containing a pharmacy is eligible for a retail tobacco license if the store has no more than 26,000 square feet of customer-accessible sales area; the pharmacy was established in the grocery store prior to July 7, 2025 and is independently licensed and operates in a separately demised, leased space; all tobacco sales are made from the grocery store's independent inventory and point-of-sale system; and the grocery store complies with all other requirements under the provisions governing retail tobacco licenses.

The bill also removes references to the sale of tobacco through vending machines or the practice of giving away tobacco products in the course of trade, both of which were made illegal by Public Law 2025, chapter 367.