

Bethlehem Spotlight

Albany County set to limit tobacco sales

Legislature passes ban on sales at pharmacies; McCoy to hold public hearing

By John Purcell, August 21, 2014

ALBANY — Refilling your prescription medication and stocking up on cigarettes could require two separate stops a year from now.

The Albany County Legislature narrowly passed a resolution Monday, Aug. 11, banning the sale of any tobacco products in a retail store containing a licensed pharmacy. The 21-17 vote is the first step to make the county the first in New York to implement such legislation. County Executive Dan McCoy must sign off on the ban, and he has scheduled a public hearing on it Wednesday, Sept. 3, at 5 p.m., in the Cahill Room at the County Office Building.

The law, if signed by McCoy, would be effective March 1 of next year.

Bill sponsor Tim Nichols, D-Latham, said there two things every tobacco control initiative has in common — at first, it's ridiculed and opposed, but eventually it passes.

Nichols previously served as director of Government Affairs for the American Lung Association of New York State for almost eight years.

State government tends to follow the lead from local governments on such initiatives, too, said Nichols.

“State governments do not have the same degree of flexibility ... the tobacco industry is very powerful at the statehouse,” Nichols said. “It isn't until local governments take action that the state follows suit.”

Jessica Ramich, a pharmacist from Slingerlands, said she is currently “mandated” to sell tobacco products, despite the negative health effects. Ramich also said people looking to purchase tobacco cessation products are forced to see the marketing promoting cigarettes.

“If you're teasing these patients with nicotine replacement therapies that cost actually more money than pack of cigarettes, it's a lot easier for them to make the decision to buy cigarettes rather than choosing replacement therapy,” said Ramich.

The law, which has been in the works for years, comes on the heels of CVS Caremark stopping the sale of tobacco at its stores nationwide on Oct. 1. CVS estimates it will lose \$2 billion annually from the move.

Many area super-markets have taken steps to eliminate tobacco marketing, hiding such products in locked cabinets, but any one with a pharmacy would be included in the ban.

Michael Rosen, president of the Food Industry Alliance of New York State, said the ban unfairly targets supermarkets, which have taken a responsible approach to selling the product.

“Every one of those supermarkets have taken steps to minimize tobacco displays going beyond what the state law requires,” Rosen said. “What are you hoping to accomplish by passing this bill?”

Mary Lou Connolly, D-Guilderland, said while she doesn’t support smoking, she believes the ban is going too far.

“We are having a terrible impact on the business community in our county,” Connolly said. “I just think we are becoming a police state.”

Nichols said there are legal concerns if the county carved out an exemption for supermarkets with pharmacies to continue selling cigarettes.

“We cannot legally exempt the Price Choppers of the world because we will get sued,” he said.

Republican legislator Deborah Busch, a registered nurse, said people should still be allowed to make their own choices, even if they are “poor choices,” and the legislature was overstepping its reach.

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