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FOR IMMEDIATE RELEASE:

Albany County Legislator Announces Push to Override Veto of Tobacco-Free Pharmacy Ban Proposal

October 7, 2014 – Albany County Legislator Tim Nichols (D-Latham) announced today that he intends to push to override County Executive McCoy's veto of his proposed local law that would have banned the sale of tobacco products from pharmacies in Albany County.

"Today I am announcing my intention to override County Executive Daniel McCoy's veto of Local Law "D" and I am calling on my colleagues on both sides of the aisle to join me in this effort that will protect the health and lives of Albany County residents and visitors," Nichols said. The Legislature passed Local Law "D" by a vote of 21-17 last month. To override a veto the Legislature needs 24 votes.

"I came to this decision after careful consideration of the concerns expressed by the County Executive in his veto message and the points made in an opinion drafted by the Times Union's Editorial Board," Nichols said. I also discussed various options with several of my colleagues and advocates of Local Law "D". At the end of the day, I am convinced that the enactment of Local Law, in its current draft, is the best course of action to take at this time."

Nichols added that the counter proposal to ban in-store tobacco advertising displays in pharmacies or in all stores that sell tobacco products would be "problematic and costly".

Nichols said voluntary health organizations and other tobacco control advocates, including the American Cancer Society Cancer Action Network, the American Heart Association, the American Lung Association, the Campaign for Tobacco Free Kids, the New York State Public Health Association, the Medical Society of the County of Albany, local pharmacists and concerned citizens are working to urge his colleagues to give him the necessary votes to override McCoy's veto.

"If I thought amending the proposal to address the concerns expressed by the County Executive was a better approach, I would amend and start the process over," Nichols said. "But the fact is, any proposal that includes the requirement of tobacco retailers to cover up tobacco advertising displays will almost certainly trigger a lawsuit against Albany County," Nichols said. "The tobacco industry blocked similar proposals in New York City and the Village of Haverstraw in New York. When lawsuits are filed, the law is not in effect until the lawsuit is resolved. So nothing happens. The better approach is to simply enact Local Law "D", get in place a law that will withstand any lawsuit, and start having an immediate impact on tobacco use in our community."

Nichols also said the concerns raised by the County Executive over how the law would be enforced are not supported by fact. "Because tobacco products are heavily taxed, no retailer affected by Local Law "D" would dare to illegally sell tobacco products," Nichols said. "I do not think you are going to see Price Chopper or Hannaford get into the cigarette bootlegging business," Nichols said. "That said, we are proposing a new Albany County tobacco retailer licensing law, similar to a law in effect in Dutchess County, which would take effect on March 1, 2015 to coincide with the original Local Law "D" effective date. "

Tobacco control advocates, and international leaders in public health joined Nichols in his call for an override of the county executive's veto of Local Law "D":

"The Albany County Legislature should protect children and health by overriding this veto and prohibiting the sale of tobacco products in all stores with pharmacies," said *Matthew L. Myers, President of the Campaign for Tobacco-Free Kids*. "This legislation recognizes that there is a fundamental conflict between the sale of tobacco products – the number one cause of preventable death – and pharmacies' critical role in promoting health. Ending tobacco sales at pharmacies will send a clear message to kids about the dangers of tobacco use and protect the overall health of the community."

New York Government Relations Director of the American Cancer Society Cancer Action Network Michael Burgess said: "The American Cancer Society Cancer Action Network strongly urges the members of the Albany County Legislature to vote to override the veto of this important measure. The override would be a major step forward in dramatically reducing the availability of tobacco products to those struggling to quit smoking as well as those who could be attracted to the addiction including children. We strongly

believe that there is no place for tobacco in a pharmacy, which should be a place of wellness and public health. More than 170,000 of an estimated 585,720 cancer deaths are caused annually by tobacco.”

“When I send my patients to the pharmacy, I know they are going to a place that has their very best health interests at heart. Therefore, it makes no sense to sell tobacco at a place that exists solely for the health and well-being of patients. Tobacco hurts people. Tobacco has been the cause of death in many of my patients. Remember, heart disease is the number one killer of Americans...and tobacco causes heart disease, not just cancer,” said *Dr. Sulagna Mookherjee, a cardiologist at Albany Medical Center and President of the Capital Region Advisory Board of the American Heart Association*. “Albany County has led the way in putting the health of its residents first. We know how many calories we consume in our meals, and we now have the confidence that we have taken the hidden trans-fat out of restaurants. Now, it’s time to move to tobacco control. Pharmacies are place for health, not a place for poison.”

“The American Lung Association of the Northeast stands with Legislator Tim Nichols to override the veto of the tobacco-free pharmacy legislation, said *Michael Seilback, Vice President, Public Policy and Communications*. “Retailers that want to be in the pharmacy business, promoting health and wellness, shouldn’t also be selling a product that the U.S. surgeon general has deemed “unsafe at any level.” We applaud bill-sponsor Legislator Tim Nichols for his leadership and join his call for the county Legislature to do the right thing and override the county executive’s veto. The health of Albany County residents must come first,” Seilback said.

Jose David, M.D. President, Medical Society of the County of Albany, Inc. said: “The Medical Society of the County of Albany, Inc. completely endorses the prohibition of the sale of cigarettes at Albany County pharmacies. It is incongruous that institutions of health should also be offering for sale instruments of one of the leading causes of preventable illness. The community of physicians urges the county legislature to override Executive McCoy’s veto.”

Michael Seserman, President of the New York State Public Health Association said: “Tobacco has no place in pharmacies, and stores with pharmacies, which are increasingly trying to be like mini-health clinics. Most developed nations do not permit the sale of tobacco products in pharmacies. It is time for Albany County to protect children and support parents who are trying to quit and residents trying to keep their kids from becoming addicted to tobacco products.”

“I received the news of County Executive McCoy’s decision to veto Local Law “D” with great disappointment. I truly appreciate Legislator Nichols’ dedication to the well-being of Albany county residents and listening to their passionate concerns. Being the first county in New York State to ban the sale of tobacco in pharmacies would be a great step towards creating a society devoid of tobacco temptation,” said *Jessica Ramich, a pharmacist at Albany Medical College*.

“It is important to legislate tobacco free pharmacies in Albany County to protect our residents from tobacco marketing and especially our residents that are targeted by tobacco companies--our youth. Currently, without Local Law “D” in place, pharmacies are selling tobacco products and our Albany County residents, adolescents and adults alike, are exposed to a billboard's worth of tobacco marketing each time they enter a pharmacy. With the passage of Local Law “D”, tobacco marketing will decrease, ultimately decreasing tobacco use. Please, I urge you to heed the concerns of our Albany county residents and pass Local Law “D” to make our Albany county pharmacies tobacco free,” said *Amanda Kosich an Albany County resident and concerned mother of three*.

For More Information, please contact:

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