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Butt out: New Jersey mulls bill raising state smoking age to 21

Sponsors cite risks of early addiction

By [Meghan Drake](#) - The Washington Times - Thursday, August 7, 2014

Lighting up may soon join chugging as a rite of passage in New Jersey, as the Garden State weighs a first-in-the-nation statewide ban on the sale of tobacco products to those under 21 years of age.

In a move being closely watched by other states, New Jersey is well on its way to the ban, with a bill having passed the state Senate and headed to the state General Assembly this fall.

Many local and city governments have passed laws to increase the minimum smoking age to 19 or 21, but there hasn't been a statewide bill yet. Antismoking activists say the idea is gaining momentum and could even put pressure on Washington to join the movement.

"On the local and state level, we think that each of the states will move towards this," said Karen Blumenfeld, executive director of the Global Advisors Smokefree Policy (GASP). "We would greatly appreciate if the federal government would take the next step and ban smoking in all public places and workplaces."

Laws prohibiting the sale of tobacco products to those 19 and younger have been implemented in local communities and states like New Jersey, Alabama, Alaska and Utah, as well the District of Columbia. The minimum age in every other state is 18.

Backers cite public health risks to the young people who are susceptible to becoming addicted, as well as the likelihood that buyers between 18 and 20 will share their purchases with even younger friends.

This move comes in the face of an expanding e-cigarette and marijuana industry, which has cut into traditional tobacco use among the young. According to the Centers for Disease Control and Prevention, cigarette use among the young has declined significantly: 15.7 percent had smoked cigarettes at least once 30 days before the survey in 2013, down from 36.4 percent in 1997.

New Jersey Gov. Chris Christie has given no indication whether he will sign the bill. The bill covers cigarettes made of tobacco, smokeless tobacco and any electronic smoking devices. Merchants face fines of up to \$1,000 for multiple offenses.

"There was a sizable majority of legislators wanting this to happen," said Ms. Blumenfeld. "Isn't that the job of policymakers to pass policy to save lives?"

New Jersey state Sens. Richard Codey and Joseph Vitale, the Democratic co-sponsors of the bill, argue that raising the age to 21 saves lives.

“This is a highly addictive and deadly product,” said Mr. Vitale. “We have to do all we can to minimize the risks for young people.” “We care about them, and we don’t want them to die.”

But critics say the measure infringes on consumer choice and is just the latest misguided “nanny state” legislation. “It’s a halfhearted attempt to bolster the argument that public health trumps consumer rights,” said Sal Risalvato, executive director of the New Jersey Gasoline-Convenience-Automotive Association (NJGCA). “There’s no way that they are going to stop somebody under 21 years of age from smoking.”

He added, “This is feel-good legislation. We can say we’re trying to do something.” Mr. Vitale called the consumer choice arguments “absurd,” saying opponents would never defend the right of, say, 12-year-olds to smoke and buy cigarettes.

But Mr. Risalvato noted that New Jersey residents who will be old enough to serve their country in the military overseas won’t be able to buy cigarettes at the corner drugstore. “Just be the store owner when that young soldier walks in the door and wants to buy his cigarettes or cigar, and you have to tell that person in uniform that you cannot sell them the tobacco if they are under 21 years of age,” he said. “Just be one of my members when that soldier walks in the door.”

Needham, Massachusetts, is believed to be the first U.S. municipality to raise the tobacco sale age to 21 in 2005, reporting a 50 percent decline of smoking use in high school students between 2006 and 2012. Now several cities and localities in Massachusetts and New York have similar bans, according to a survey by Governing magazine.

Alaska, Utah and New Jersey ban tobacco product sales to residents under the age of 19. On the international scene, Dubai and Sri Lanka prohibit the sale of tobacco to a person under the age of 21, and Japan sets its age at 20.

Ms. Blumenfeld said the prohibition of sales but not possession by the young person is key in understanding measures like the New Jersey bill. “For decades, there’s been this semantics about these laws,” she said. “It’s important to keep the responsibility where it is in the law.”

Tobacco companies and the sellers, not the young people consuming the tobacco, face the burden of responsibility, she said, because they are the ones who produce, market and sell the product.

But Mr. Risalvato said this law burdens convenience store owners with policing duties while imposing no penalty on the young person trying to make the purchase. “We’re putting my members in jeopardy with absolutely no incentives for the purchaser to not put the clerk in jeopardy,” he said. “That’s a serious problem to me.”

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