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E-mail: moss@northjersey.com

Rutherford introduces ban on nicotine sales to those under 21 21-and-over measure would include e-cigarettes

RUTHERFORD - Joining a host of other Bergen County towns, the Borough Council has introduced an ordinance that bars the sale of tobacco and other "nicotine-delivery systems," such as electronic cigarettes, to those under 21.

If Rutherford passes the ordinance at its July 13 meeting, it will become the ninth New Jersey municipality to raise the minimum age to purchase tobacco products from age 19.

"I think it's a no-brainer," Rutherford Councilman Jack Manzo said. "If I could raise the minimum age to 90, I would."

While a number of towns have passed similar bans, several have balked in the past few weeks at raising the legal age from 19. On Tuesday night, the North Plainfield Borough Council, which also acts as the town's Board of Health, voted 4-2 to defeat a proposed "Tobacco 21" ordinance. Hackensack voted down a similar ordinance at a recent meeting.

And the Paramus Borough Council, which was slated to consider an ordinance raising the legal smoking age at its meeting Tuesday, pulled the matter from its agenda for additional discussion, Mayor Richard LaBarbiera said.

Lawmakers across the nation and around New Jersey, concerned about the soaring popularity of e-cigarettes and hookahs among teens and other youths, have been raising the age for nicotine use, saying they want to thwart cancer in a new generation. Englewood was the first New Jersey municipality to pass such a measure; it has since been joined by East Rutherford, Teaneck, Bogota, Garfield, Highland Park, Sayreville and Princeton.

The Demarest Borough Council is slated to discuss a similar ordinance at its meeting on July 13, and Tenafly, Dumont and Bergenfield have been approached by anti-smoking advocates about raising the legal age for tobacco purchases.

The New Jersey Gasoline, Convenience Store and Automotive Association, which has 1,500 members, opposes new restrictions at the municipal and state level on the sale of tobacco products. The group's executive director, Sal Risalvato, has been going to various town meetings and talking to local officials, arguing that a ban on tobacco sales to those under the 19 will hurt small businesses by driving nicotine seekers to neighboring towns. He also contends that 19- and 20-year-olds will find other sources for nicotine products, perhaps by ordering them online.

In turn, Global Advisors on Smokefree Policy, a Summit-based non-profit known as GASP, has been trying to get municipalities to pass Tobacco 21 ordinances.

"With the American Medical Association's support last week to raise the age of sale to 21, and Hawaii's governor signing their 21 law last Friday, there is great momentum," said Karen Blumenfeld, GASP's executive director. "In less than one year, eight New Jersey towns have passed such ordinances."

In the case of Rutherford, Manzo, who serves as the council's liaison to the borough's Board of Health, said he spoke to the owners of several local businesses about raising the smoking age and they weren't opposed to it. Liquor stores, for example, already cater only to those who 21 and older and can legally buy alcohol, Manzo said.

"I just think it's good in general to limit smoking to younger people," Rutherford Mayor Joseph DeSalvo said. "From what we know now about smoking, nobody should be smoking."

Manzo and DeSalvo said that they were also persuaded to pass new restrictions on the sale of nicotine products by James Erwin, who was at Rutherford's meeting and has been speaking to local governing bodies across Bergen County. Erwin, an account executive for North Jersey Media Group, which publishes The Record and Herald News, lost his father to prostate cancer. Erwin's mother worked in the oncology unit at Englewood Hospital and Medical Center for 40 years.

Under Rutherford's ordinance, those who sell tobacco products to anyone under 21 face minimum fines of \$250 for a first violation, \$500 for a second violation and \$1,000 for the third and each subsequent violation.

Risalvato said he talked to LaBarbiera, the Paramus mayor, about the impact on merchants in the borough of raising the legal smoking age, leading to the proposed ordinance being pulled from the borough council's agenda. The mayor said that there needs to be additional discussion on the issue, including possibly passing a resolution to support a bill pending in the Legislature to raise the smoking age statewide.

<http://www.northjersey.com/news/nj-state-news/rutherford-looks-to-raise-tobacco-purchase-age-1.1361807>