

Edgewater View (northjersey.com)

Edgewater to wait on state to change age to buy tobacco

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EDGEWATER — After introducing an ordinance last week that would have made Edgewater one of the few towns in New Jersey to raise the legal tobacco purchasing age from 19 to 21, the borough council has decided to table the measure and defer to the state for any action on the issue.

Adopting the ordinance, which would supersede the state's current age limit of 19, could put the borough at risk of a lawsuit, said Councilman Michael Henwood, so the governing body will instead pass a resolution at its next meeting supporting the state's efforts to outlaw the sale of cigarettes and electronic smoking devices to anyone under the drinking age.

The move follows similar decisions by North Plainfield and most recently Paramus, where the borough attorney recommended the council abandon its ordinance due to concerns over preemption by the state law and enforceability.

Though the state Senate passed a bill last summer to raise the buying age to 21, a small group of towns have opted to make the change on their own rather than wait for the Assembly to act.

Englewood adopted the "21 ordinance" last August and other municipalities, including Teaneck, Bergenfield, Bogota, Garfield, East Rutherford, Highland Park and Sayreville, have followed suit.

None of the communities have encountered any legal issues with preemption, said Karen Blumenfeld, executive director of Global Advisors on Smokefree Policy, a Summit-based non-profit known as GASP. "There is no basis for [those concerns] whatsoever," she said. "In fact, the state constitution mandates that public health policy be broadly construed in favor of public health."

A report by the Institute of Medicine determined that banning cigarette sales to people under the age of 21 would result in nearly 250,000 fewer pre-mature deaths and 50,000 fewer deaths from lung cancer among people born between 2000 and 2019 nationwide.

In voting for Edgewater's introduced ordinance on July 20, Henwood expressed support for raising the age, saying, "Anything we can do to dissuade young people from smoking and vaping is appropriate."

The Mayor and Council next meets on Aug. 17 at 7 p.m. at Borough Hall.

<http://www.northjersey.com/news/council-to-wait-to-decide-on-tobacco-1.1383950>