

## N.J. considers raising tobacco-buying age

**Melanie Burney, STAFF WRITER**

mburney@phillynews.com 856-779-3814 @mlburney

**Sunday, December 20, 2015, 11:59 Pm**

New Jersey lawmakers are considering a bill that would make the state the second in the country to raise the minimum age to buy tobacco products to 21.

While health advocates believe the measure, if passed, would discourage young people from lighting up, the bill may face strong opposition in the Legislature. Currently, New Jersey is among four states and the District of Columbia where the minimum age to purchase tobacco is 19. The age is 18 elsewhere in the country including Pennsylvania, where a similar "tobacco 21" bill was introduced in October.

Last spring, Hawaii became the first state to raise the legal smoking age to 21. The law bars adolescents from smoking, buying or possessing both traditional and electronic cigarettes. It carries a \$10 fine for a first offense and \$50 for subsequent violations or mandatory community service. Health advocates are pushing for a similar bill in New Jersey, where it has been opposed by convenience stores and gas stations. The measure, cosponsored by Assemblywoman Pamela Lampitt (D., Camden), was approved by the state Senate in 2014 and is pending before the Appropriations Committee.

"It feels good but it's not going to accomplish anything. It's not going to deter anybody," says Sal Risalvato, executive director of the Gasoline-Convenience Store-Automotive Association. "They're going to get the cigarettes."

According to the Institute of Medicine, smoking among young people would drop about 12 percent if the minimum smoking age is raised to age 21.

"There is a feel-good component about it. People will feel good, better and healthier, if they are not smoking," said Karen Blumenfeld, Executive Director of Global Advisors on Smokefree Policy, a chief proponent of the bill who testified before an Assembly committee this month. Similar bills have been introduced in at least four other states: California, Colorado, Washington, and Massachusetts.

The proposals have been opposed across the country by retailers and some veterans groups who contend anyone who serves their country should be able to legally buy tobacco. "I feel people should have their own choices," said Gene McNelis, 73, owner of Westville News in Gloucester County who kicked the habit after lighting up for about 30 years. "It definitely would hurt business."

Said Sen. Richard Codey (D., Essex): "For them it's making money. For me, it's saving lives." He was acting governor when New Jersey raised the tobacco purchasing age from 18 to 19 in 2006.

The Campaign for Tobacco-Free Kids estimates that in New Jersey, 59,500 of the state's high school students smoke, or 12.9 percent of all high school students. In addition, 5,400 become new smokers daily, the campaign said. Smokers under 21 purchase 12.1 million packs of cigarettes annually in New Jersey, statistics show. Nationally, the smoking rate for high school students is 15.7 percent. There are one million adult smokers in New Jersey, about 16 percent of the population. It is estimated that 18 percent of Americans smoke.

The New Jersey bill would impose a \$500 penalty for a first time offense by a vendor who sells to anyone under 21. Subsequent offenses would carry a \$1,000 fine.

The legislation also eliminates \$19 million in tax revenue for the state in the first year, according to the nonpartisan Office of Legislative Affairs.

Proponents contend the annual health-care costs in New Jersey directly caused by smoking are \$4.06 billion. Of that, \$1.17 billion is covered by the state Medicaid program.

A spokesman for Gov. Christie declined to comment on whether Christie would support the bill until it is reviewed.

It is unclear whether the bill will come up before the legislative session ends Jan. 11, said Assemblyman John Burzichelli (D., Gloucester). Burzichelli, Appropriations Committee chairman, expressed mixed feelings about the proposal but said "it's worthy of debate." "I don't know how we take rights away from a group just because we think it's in their best interest," Burzichelli said. "Government's role dictating morality has never been successful."

Pennsylvania's bill to raise the age has had little traction since it was introduced two months ago by State Rep. Vanessa Brown Lowery (D., Philadelphia).

A growing number of New Jersey municipalities - 15 towns in the northern region and Princeton - have passed their own "tobacco 21" ordinances.

"There has been tremendous momentum behind these proposals," said Vince Willmore, a spokesman for the Campaign for Kid-Free Tobacco in Washington. "If we can prevent young people from becoming addicted to tobacco before they turn 21, they likely will never become addicted."

Nationwide, more than 100 municipalities, including New York City, have passed ordinances prohibiting tobacco sales to anyone under age 21.

In Philadelphia, smoking rates have dropped to all-time lows. In seven years, youth smoking has fallen from 10.7 to 7.5 percent. Health officials credit a comprehensive tobacco-control campaign. The city also has a \$2-per-pack cigarette tax and other antismoking measures. Despite that, Philadelphia still leads the nation in puffers - 22 percent of adults smoke, the highest rate among the 10 largest cities in the country.

"Although the youth numbers look good it's a long hard battle," said Cheryl Bettigole, director of the city's Division of Chronic Disease Prevention. "We still have a very significant smoking problem."

[http://www.philly.com/philly/news/new\\_jersey/20151220\\_N\\_J\\_considers\\_raising\\_tobacco-buying\\_age.html](http://www.philly.com/philly/news/new_jersey/20151220_N_J_considers_raising_tobacco-buying_age.html)