

Bergen County towns dominate field with tobacco-sale limits

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BY LINDA MOSS

STAFF WRITER | THE RECORD



AP file photo

With the use of electronic cigarettes on a sharp upswing, particularly among teenagers, a growing number of New Jersey towns are seeking to raise the minimum age to buy tobacco and "nicotine-delivery products" to 21 from 19.

East Rutherford could become the eighth Garden State municipality to outlaw tobacco and e-cigarette sales to anyone below the legal drinking age. The Borough Council introduced its measure on April 21, the same day that Princeton adopted a similar prohibition. Englewood was the first to do so, last August, and five other towns -- Teaneck, Bogota, Garfield, Highland Park and Sayreville -- have followed suit.

The moves come as the use of e-cigarettes -- with candy and dessert flavors that appeal to teens -- and hookahs is soaring among younger Americans, more than offsetting a continuing decline in

cigarette smoking by teenagers. The increase has alarmed public-health advocates who have celebrated other recent victories in a decades-long battle to curb tobacco use, including a growing acceptance of smoking bans in workplaces, parks and other public gathering spots.

"In less than a year, seven communities have done this in the state," said Karen Blumenfeld, executive director of Global Advisors on Smokefree Policy, the Summit-based non-profit known as GASP. "So I do think there is much momentum, similar to the momentum that was early on for smoke-free parks, and now over half the communities in the state of New Jersey restrict smoking in their parks."

Support for New Jersey's Smoke-Free Air Act rose significantly as individual restaurants and bars established their own policies banning smoking, Blumenfeld said. A similar scenario could play out, she said, as more towns start raising the legal age for tobacco use to 21.

Mayor James Cassella of East Rutherford said that raising the legal age to buy tobacco in the borough was an easy call in light of the ample and growing evidence of its addictive qualities and significant detrimental health effects.

"When there's so much about benefits and health care in the news, you would think that you would try to make it harder for people to start smoking," Cassella said. "I understand with my generation people smoked, but you didn't know how bad it was then. Now, when you know how bad it is, I don't know what would possess somebody to even consider it and get started with it."

New Jersey has emerged as a leader when it comes to tightening age restrictions on tobacco use. While most states have set 18 as the age at which residents can purchase tobacco products, New Jersey raised its minimum age to 19 in 2006.

The state Senate passed a bill last June that would raise it to 21 statewide, but the measure has yet to come up for a vote in the Assembly. Hawaii, where lawmakers approved similar legislation last week, would become the first to adopt a statewide ban on tobacco sales to anyone not yet 21 next year if Gov. David Ige signs the bill.

New York City allows tobacco sales only to consumers who are 21 or older, as do at least a dozen towns in Massachusetts.

The new restrictions on tobacco sales at the municipal level in NJ have pitted anti-smoking groups against the 1,500-member New Jersey Gasoline, Convenience Store and Automotive Association. The group argues that the municipal bans don't stop people who aren't 21 from driving across a town line to buy cigarettes, but that they do threaten the livelihood of mom-and-pop establishments that sell tobacco products.

"It is nothing more than feel-good legislation, period," said Sal Risalvato, executive director of the convenience store and gas retailer group. "It will not accomplish a thing. ... We all agree tobacco is not good, but raising the age from 19 to 21 inside the geographic borders of a municipality does nothing ... except injure the small business people in that municipality that

sell those products. If I'm 20 years old and I want a pack of smokes, I'm driving across the border to the next town."

Blumenthal said that the concerns about small retail shops are unfounded. She cited research published in the American Journal of Public Health that determined such businesses would see a drop in cigarette sales of only 2% if the smoking age is raised to 21.

And traveling to nearby towns to circumvent age restrictions may become harder to do as more municipalities raise the minimum age for tobacco purchases, Blumenthal said. She noted that four towns that limit tobacco sales in this manner -- Englewood, Teaneck, Bogota and Garfield -- are within close proximity to each other.

Even more towns may consider instituting tougher tobacco-sale restrictions if they become aware of recent research by the Institute of Medicine, which estimated that if the legal age to buy tobacco products were raised to 21 nationally, there would be roughly 223,000 fewer premature deaths among those born between 2000 and 2019, Blumenfeld said.

East Rutherford's proposed ordinance mandates a fine of up to \$500 or up to 90 days in jail, or both, for anyone who is found to have sold tobacco to an underage buyer. In addition, the borough Health Department may suspend the retail food establishment license of any person convicted of a violation for up to three days.

The ordinance also would bar the sale of tobacco products to a person under 21 who has a note from an adult requesting such a sale.

Email: moss@northjersey.com