



New Laws Passed To Raise Legal Smoking Age and License E-Cigarettes: Will It Make a Difference?

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WEST ORANGE, NJ – The debate over two new laws raising the age of purchase for cigarettes/tobacco products and licensing stores which sell e-cigarettes continues, even after both passed the West Orange Town Council on April 19 in a 4-1 vote. Councilman Joe Krakoviak voted ‘no’ on both.

With the new purchase law, West Orange joins 16 other New Jersey municipalities in raising the age to purchase tobacco products to 21 years of age.

In comments before the council, Township Attorney Richard Trenk emphasized the importance of the adoption of the new laws.

“It’s about looking at West Orange and what we can do to help young people from getting hooked on nicotine,” he said, noting 95% of the people who smoke get the nicotine addiction before the age of 21. While Trenk made it clear that he wasn’t interested in “solving every issue in society,” he added, “there is no doubt for anyone in this room, town, or society that nicotine kills.”

Both in the Council meeting and in an interview with TAP afterward, Councilman Joe Krakoviak, a former smoker himself, says he understands the addiction to nicotine, having quit after ten years of smoking, but he disagrees with the law.

“I don’t want anyone to start smoking, and I want everyone who is smoking to quit. But this ordinance is not the way to do it,” he says. “The prospects for helping anyone are quite small, and the harm to our businesses in town is a certainty.”

Krakoviak says that harm to local businesses is in part due to the fact that West Orange is surrounded by towns with a lower age restriction. “Every municipality bordering West Orange still has the 19-year-old age limit....this ordinance will hurt the businesses where smokers will no longer shop and no longer purchase other items as part of their patronage. That will hurt these businesses,” he says.

Trenk disagreed. “Sure you can go into other towns, but you have the power to act in your town,” he said. “That’s why you were elected to do what you think was right. “ He noted only three towns had passed legislation to raise the age limit when the initiative was first brought up in West Orange, but that number is now at 16, implying that it could become continually more difficult for those under 21 to purchase cigarettes anywhere.

Krakoviak feels increasing the age to purchase shouldn't be done by municipalities, but rather by the state. "I would support an increased age limit statewide on cigarettes and stronger enforcement," he said.

In a separate interview, Councilman Jerry Guarino said recent history proves that removing cigarettes from a business isn't necessarily a detriment. "Just look at CVS which got rid of cigarettes, three billion dollars in business annually for that company....they did the responsible thing and their business went up," he said. "If you don't care about quality of life and the children in our community, you don't care about our community," he added.

Sal Risalvato, Executive Director of New Jersey Gasoline Convenience Store and Automotive Association, agreed with Krakoviak's view. He says that while the cigarettes themselves are barely profitable for stores, the items usually purchased along with the cigarettes is where a lot of money is made, with one owner estimating he'd lose \$7,800 a year in profit.

"These are small business owners," he said. "If your boss came in tomorrow and says they need you to do something for public safety and we're going to cut your pay by \$8,000, what does that do for you?," he asked.

Karen Blumenfeld, Executive Director for the Global Advisors Smokefree Policy (GASP) responded to those comments, saying a life is worth more than profit.

"I consider one person in your community to be worth a lot more than 7,800 dollars," she said.

The new e-cigarette ordinance is designed to license stores that sell electronic smoking devices and related products. Those funds, \$1,200 per year, are designated to be used to fund education about e-cigarettes and enforcement of the law. It will be administered by the West Orange Health Department.

Trenk advocated for the first 90 days being allocated to education if the legislation is passed, allowing vendors and customers to be aware of the changes.

He added, "E-cigarette use is doubling every year in middle and high schools," "It is becoming the glamorous and cool thing to do. As a neighborhood that cares about its people, it's about not getting people hooked," he concluded.

West Orange Department of Health & Welfare Officer Theresa De Nova said she understood why e-cigarettes were seen as being less harmful. But she also noted this form of smoking was being targeted to a younger audience.

"The seven most famous brands of E-Cigarettes are manufactured by cigarette companies," she said. "There's no regulation for advertisements on them, so they are marketing to the youth and trying to make it look sexy. It's not okay."

“Raising the age to 21 is especially effective because it changes the social community for the people who are buying e-cigarettes legally,” she continued, claiming that those who are the age of 21 will be less likely to socialize with high school level kids.

De Nova said she also wants the fees to be used to create programs that will do inspections to make sure things are run properly.

Blumenfeld added that the belief that the fees would harm vendors was not necessarily true. She said e-cigarette companies reimbursing vendors for fees such as that is a common practice...and a cost that’s “negligible for an industry that spends 330 million dollars yearly promoting tobacco.”

The majority of the town council reiterated their support for the initiative. Councilwoman Susan McCartney said, “It’s a health issue. We have the power to save lives in our community from this addictive, unhealthy practice. My vote was a yes in January, and it’s yes in April.”

Councilman Joe Krakoviak, who opposed the legislation before, continued to stand firm on his opposition.

“It’s unlikely this legislation will have any reduction effect on smoking cigarettes,” he said. “The town doesn’t enforce the ordinance now, which also prohibits underage smoking in public.”

“Councilwoman Casalino said at the meeting she sees underage smoking, and so do I,” he continued. “Minors get cigarettes now, and they will continue to do so, if for no other reason than the supply is available under the current state law in any municipality bordering West Orange.”

The next Town Council meeting is scheduled for May 3rd. Residents are encouraged to attend.