



4900 Rt. 33W • Suite 100  
Wall Twp., NJ 07753  
Phone: 732-256-9646  
Fax: 732-256-9666  
Web: www.njgca.org

September 9, 2016

The Honorable James Sandham, Jr.  
195 Changebridge Road  
Montville, NJ 07045

**Re:** Prohibiting the sale of tobacco and vaping products to 19 and 20 year old adults

Dear Mayor Sandham,

My name is Sal Risalvato, Executive Director of the New Jersey Gasoline-Convenience Store-Automotive Association. I am reaching out to speak on behalf of the small businesses in the convenience store and gasoline retail industry who sell tobacco and vaping products in Montville. Their ability to do business will be unfairly hampered by this proposed legislation.

As you are likely aware, several municipal governments have been approached by activists asking them to pass ordinances to ban the sale of tobacco products and vaping devices to adults aged 19 and 20. Before you consider having your city follow suit, you should be fully aware of the myriad downsides of such an ordinance, as well as the fact that in practice there will be no upside.

While I respect the sponsors' intent with this piece of legislation, I must oppose this proposal which infringes upon the rights and freedoms of adults by taking away their ability to be sold a legal product and does so by placing additional burdens on small businesses.

**The one thing we should all be able to agree upon with this ordinance is that it will be totally ineffective.** Any 19 or 20 year old adult Montville resident who wants to purchase a legal tobacco product will not be stopped by this ordinance, they will just drive or walk over to one of the surrounding towns and make their purchase there. Even if Montville passed this ordinance, there would still be 545 other municipalities where it will be legal for these adults to purchase these products, including almost all of Morris, Essex, and Passaic Counties.

In the end, **the only people who will have been affected by this ban are the small businesses in Montville** who are losing a customer, a customer who might have also purchased a cup of coffee or a soda or one of the other higher profit margin items that allow these men and women to stay in business and continue to employ Montville residents. The biggest hit to the small business isn't the loss of the tobacco sale; it's the loss of the sale of these other products.

How costly will this be? With real world sales data provided to us by a member in Paramus, we estimate that the average business will lose about \$8,000 a year in profits on almost \$40,000 a year in sales of these products and the items that often accompany them. (This estimate is based

on a 3% reduction in the sales of tobacco products, as estimated by the CDC and OLS) This in and of itself will not force the business to close, but it is certainly enough to bring about hardship. It is like taking an \$8,000 per year pay cut.

Reasonable minds can disagree over whether this cost is worth a 3% decline in tobacco purchases, but they should not disagree that such an ordinance will not eliminate 19 and 20 year olds from using these products, it will simply drive many of them across state lines, or have others make their purchases for them.

The current laws have already turned service station owners and convenience store clerks into virtual police officers, checking the ID of anyone they suspect to be under the age of 19. In an age where young people can easily obtain fake driver's licenses and other false identification, my members have already morphed from store clerks and gas attendants into untrained detectives and law enforcement officers, trying to stop illegal purchases. Do we really want to further burden them by extending this gambit to people who can currently purchase tobacco products legally?

This ordinance will also affect vaping devices, also known as "electronic cigarettes". 19 and 20 year old adults who started smoking at an earlier age will find it much more difficult to switch to vaping which, while not a 100% healthy practice, is near universally considered to be a healthier alternative to other forms of tobacco and have helped many individuals eliminate their smoking and nicotine habit completely.

Partly because vaping devices are a fairly new product to the marketplace, there remain a lot of questions and suspicions about them, due in part to a lack of data. Now though, the data and research is coming in and it is disproving many of the fears that had been associated with them.

Just a few months ago, a study conducted by the government of the United Kingdom determined that "e-cigarettes are 95% less harmful than tobacco and could be prescribed on the NHS [National Health Service] in the future to help smokers quit". The study also found that the rise in the use of vaping devices has been matched by a decrease in cigarette smoking. Earlier this year the NHS began giving out prescriptions to smokers for free vaping devices, because of the products' effectiveness in helping smokers quit.

Just a few months ago the independent Royal College of Physicians (RCP), also in the UK, released their report on the issue of vaping and backed up the UK government study, saying that these products have at most 5% of the risks of traditional cigarettes and may in actuality have substantially less than that. They have also determined that they are not a gateway to smoking and almost all users had previously used traditional cigarettes. For reference, it was the RCP in 1962 which released the first comprehensive analysis that linked to smoking to lung cancer.

At the very least, this bill should be amended to remove these products from the 21 ban.

If our young men and women are old enough to vote, get married, serve their nation in the armed forces, become a state trooper, and be legally adult members of society at 18, then there is no

reason to delay their decision to purchase or not purchase tobacco products until 21 years of age. Do we really want to say that Montville trusts 20 year olds enough to enlist in the National Guard and possibly be sent to foreign battlefields and operate multimillion-dollar equipment, but cannot be trusted to make the decision for themselves whether or not to use a tobacco product? Do we really want to tell the 19 and 20 year olds who voted for you that they are, inherently, not competent enough to decide whether or not they want to purchase a cigar?

It is true that alcohol purchases are not allowed until the age of 21, but this is an inaccurate comparison. Alcohol is a mind altering substance which irresponsible use can and has led to the injury and death of other people with even one irresponsible experience. Tobacco use only affects the individual making the choice to use it over a prolonged period. One night of cigar smoking cannot kill anyone, one night of drinking can.

It is not in the interests of our society to infantilize 19 and 20 year old adults. The 26th Amendment demands nothing less and neither should the citizens of New Jersey. In a free society legal adults should be allowed to make their own choices in life. If someone else objects to those choices, they should not use the force of the government to correct another person's lifestyle.

Statistics show that almost 90% of smokers begin smoking before they reach the age of 18, despite the fact that the law already forbids them from purchasing tobacco. Only a very small percentage begins smoking at the age of 19 or the age of 20. It is hard to see how increasing the age limit two more years will reduce consumption in a meaningful way; in a way that will be worth the costs to the town's small businesses.

The people this proposal is trying to protect are lawful adults, who have a right to make any number of decisions for themselves, including the foolish choice to smoke. In the process it must be acknowledged that my members are not police officers, and should not be burdened with guarding fellow adults from making foolish choices. The ultimate effect of this bill is to unnecessarily hurt small businesses and make law violators out of small business owners.

It is no doubt for these reasons that the towns of Hillsdale, Paramus, and North Plainfield decided NOT to pursue similar ordinances, and instead to focus on resolutions calling on the state Legislature to pass a statewide ban. Such a bill has already passed the state Senate.

I ask you to oppose it as well.

Thank you, and if you would like to discuss the issue further please do not hesitate to call my office at 732-256-9646, my cell phone at 201-745-1914, or email me at [Sal@njgca.org](mailto:Sal@njgca.org)

Sincerely,

A handwritten signature in black ink, appearing to read "Sal Risalvato". The signature is fluid and cursive, with the first name "Sal" and last name "Risalvato" clearly distinguishable.

Sal Risalvato  
Executive Director

**Cc:** Deputy Mayor Richard Conklin  
Committeewoman Deborah Nielson  
Committeeman Scott Gallopo  
Committeeman Frank Cooney