

N.J. just moved closer to banning sale of menthol cigarettes, flavored vaping products

By: Brent Johnson, November 14, 2019



New Jersey is one of many states that may ban flavored vaping products.

New Jersey moved closer Thursday to banning the sale of both flavored vaping products and traditional menthol cigarettes despite strong opposition.

As America continues to respond to a rash of illnesses — and deaths — stemming from electronic cigarettes, state lawmakers in Trenton advanced a number of bills that would more tightly regulate vaping and smoking in the Garden State.

The state Senate health committee approved a measure that would bar vendors from selling and distributing flavored e-cigarettes, including menthol, in New Jersey (S3265). Seven other states have enacted similar bans in recent months.

The panel also signed off on a bill that would increase taxes on vaping products and penalties on vendors who sell to minors in the state (S4224) and another that would allow only licensed retailers to sell vaping products here (S4223).

Plus, the committee approved bipartisan legislation, by a vote of 6-2, that would prohibit vendors from selling and distributing standard menthol and clove cigarettes in the state (S1947).

“For many people, flavored cigarettes are easier to start smoking and tougher to quit,” said state Sen. Robert Singer, R-Ocean, a sponsor of the bill. “Restricting the sale of menthols will save lives.”

At the same time Thursday, the state Assembly health committee approved a single bill (A3178) that would jointly ban the sale of both flavored vaping products and menthol cigarettes here.

In addition, the panel approved a measure (A5922) that would require vaping retailers in the state use an electronic age verification system and another (A5923) that would apply the same laws regulating online cigarette sales to online vaping sales.

Critics say flavored vaping products make it easier for younger people to get hooked and start smoking.

Assemblyman Herb Conaway, D-Burlington, the committee’s chairman, pointed to a study that shows 1-in-4 high school students in the U.S. use e-cigarettes.

“It’s Big Tobacco’s effort to addict another generation of children,” Conaway said during a hearing before the vote. “What are we going to do to protect our kids?”

If the bans become law, New Jersey vendors would be allowed to sell only tobacco flavors of cigarettes and vaping products. That means you wouldn’t be able to buy popular menthol cigarette brands like Kool and Newport here.

All other cigarette flavors are already illegal under state and federal law. New Jersey could become one of the first states to prohibit menthol cigarette sales. New York and Massachusetts are considering similar measures.

All the bills now need to be passed by both houses of the Democratic-controlled New Jersey Legislature — the Senate and Assembly — and signed by Gov. Phil Murphy to become law.

The measures are a response to Murphy’s call last month for lawmakers to bar flavored vaping devices and products in the state amid the national health scare. The Democratic governor has also said he’d “seriously” consider approving the menthol cigarette ban.

Many public health and education advocates support a vaping ban. But the proposal has roiled New Jersey's growing e-cigarette industry, which has about 250 businesses and thousands of employees across the state.

Numerous vaping advocates Thursday testified that e-cigarettes help people quit smoking and decrease tobacco addiction. They argued banning flavors will force consumers to turn to the black market and other states, and that leaving tobacco as the only flavor may nudge people back to smoking.

Danish Iqbal, president of the New Jersey Vaping Rights Coalition, said the state is unfairly punishing adult vaping users instead of stepping up enforcement to make it more difficult for people under 21 to buy e-cigarettes.

"There's a way to thread the needle," Iqbal said.

There are 2,051 people in the U.S. suffering from vaping-related lung injuries, including 74 in New Jersey, according to state and federal data. Thirty-nine people across the country have died, including one in the Garden State, a woman from North Jersey.

The results of CDC laboratory testing of 29 patients last week revealed the presence of vitamin E acetate, a thickening ingredient used in black market vaping products. THC — the active ingredient that makes people high when they consume marijuana — was identified in 82 percent of the samples; and nicotine was found in 62 percent of the samples.

Opponents also said enacting a blanket ban is unfair when vitamin E and THC are to blame for the illnesses.

Meanwhile, research supported by the U.S. Centers for Disease Control and Prevention says menthol flavoring — which has a minty taste — makes tobacco products more palatable and are marketed to attract younger customers. And critics say menthol cigarettes have historically targeted black customers.

"They are designed to be more harmful to the smoker, to make the product more enjoyable to smoke," said state Sen. Joseph Vitale, D-Middlesex, chairman of the Senate health committee.

But Sal Risalvato, executive director of the New Jersey Gasoline-Convenience-Automotive Association, said banning menthol cigarettes would hurt gas stations and convenience stores.

"This is a very large portion of what brings customers in the doors," Risalvato said.

He added that people will simply buy the products from other states or online, and that it would be frustrating if the ban doesn't cut into smoking addiction yet cost the state tax revenue.

State Sen. Ronald Rice, D-Essex, voted against both the menthol and flavored vaping bans, saying it's hypocritical to support them when lawmakers are also considering legalizing recreational marijuana in New Jersey.

"We say it's OK for those things to harm people. Meanwhile, we come back and say menthol cigarettes are being marketed to black folk," said Rice, who is black. "I think it's wrong on behalf of our folks."