

Convenience store group says Englewood's age 21 smoking limit is unfair

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The entrance to a convenience store in Englewood presents a cigarette advertisement to passers-by.

ENGLEWOOD – A citywide ban on tobacco and nicotine sales to anyone under 21, which goes into effect this week, will hurt small businesses and infringes on the rights of their adult customers, the head of an advocacy group for gas station and convenience store owners said.

"It is the right of every adult consumer to decide which products to indulge in and which to abstain from," said Sal Risalvato, executive director of the New Jersey Gasoline-Convenience-Automotive

Association. "This ordinance removes that freedom of choice from legal adults, who are old enough to sign a contract, get married or go to war, yet are apparently incapable of deciding whether to use tobacco products."

Englewood recently became the first municipality in the state to raise the minimum age for sales of tobacco and "nicotine delivery" products – including cigarettes, cigars and e-cigarettes – to 21. Any retailers caught violating the provisions of the new ordinance could be subject to a \$250 fine for the first offense and fines of up to \$1,000, 90 days in jail and suspension of their retail-food licenses for a third or any subsequent offense committed in one year. The law, approved last month in a unanimous vote, takes effect this week.

Not only will small-business owners in Englewood lose customers to their competitors in neighboring towns, but the retailers are the only ones who would be penalized if the ordinance is violated, Risalvato said.

"Where are the penalties for the individuals who attempt to purchase cigarettes in violation of the city ordinance?" he asked.

Council President Lynne Algrant dismissed Risalvato's objections.

"Will they lose some business? Yes, a little bit," Algrant said. "But for the longer health of the community, our hope is that business owners in town will be able to partner with us."

She conceded that barring some adults from buying cigarettes poses a "conundrum," comparing it to laws prohibiting anyone under 21 from purchasing alcohol. But she said much as raising the drinking age was considered a safety issue, so is nicotine, which she called "dangerous" and "addictive" and noted that studies indicate most people start smoking at a young age.

"I think we should be doing everything we can to put roadblocks between kids and their impulsiveness and all the other reasons they try cigarettes," Algrant said.

Sen. Richard Codey, D-Essex, one of several legislators pushing to raise the minimum age to buy cigarettes anywhere in New Jersey to 21, put it more bluntly.

"They care about their bottom line and that's that," Codey said of cigarette sellers. "This is about saving lives."

As governor in 2006, Codey signed into law legislation that raised the minimum purchase age from 18 to 19. His new bill would ban the purchase and sale of tobacco products and electronic smoking devices to anyone under 21.

The state Senate approved the bill in June. It has yet to be voted on in the Assembly.

As young people mature, their brains become more fully developed and they are able to make better decisions, Codey contends.

"You have better judgment at 21 than you do at 19," said Codey.