New Jersey Gasoline, C-Store, and Automotive Association **(NJGCA)**
(Formerly New Jersey Gasoline Retailers Association)
66 Morris Ave.
Springfield, NJ 07081
973-376-0066

FOR IMMEDIATE RELEASE
Contact: Sal Risalvato
Executive Director
973-376-0066 office
201-745-1914 cell

June 5, 2014

Tobacco age-hike will hurt small businesses; further blur the line between entrepreneur and police

Proposal is well intentioned but will burden store owners;
Measure will deny legal adults the freedom of consumer choice.
New Jersey playing follow-the-leader and becoming a "Nanny State";
Convenience store owners and employees will be forced into policing responsibilities.

Sal Risalvato, Executive Director of the New Jersey Gasoline, Convenience, Automotive Association **(NJGCA)**, released the following statement in anticipation of today's Senate Health, Human Services and Senior Citizens Committee hearing on Senate Bill 602, which would raise the minimum age for purchase and sale of tobacco products and electronic smoking devices from 19 to 21:

"I've always believed Dick Codey to be a respected statesman and a gifted legislator. I still believe that. The Senator's ultimate aim is good: *reducing the number of young people who smoke*. Senator Codey's goal is one which all parents, teachers, and common-sense individuals should embrace," said Sal Risalvato.

"Despite my enthusiasm for the bill's ultimate objective, however, I find that I simply cannot embrace yet another radical proposal infringing upon the rights and freedoms of adults in New Jersey and denying adults the ability to purchase legal products, while placing additional burdens on small businesses," Sal stated.

"The current laws have already turned service station owners and convenience store clerks into police officers, checking the ID of anyone they suspect to be under 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 police 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*?" Risalvato asked.

"I cannot remain silent because this legislation would make it incumbent upon the owners and employees of New Jersey's convenience stores to vigilantly police their customers to ensure that the law is being upheld. Our members have consistently partnered with legislators and local law enforcement to comply with rules and regulations aimed at taking dangerous mind-altering bath salts and synthetic marijuana off the streets, but this proposal burdens the small business owners who make a living selling the coffee, drinks, snacks and newspapers that tend to accompany tobacco purchases," Risalvato stated.

"My members offer legal products and services to the public. But for every necessary law, my organization has had to combat countless others that would impose an unnecessary burden on their establishments. Just in the last few years we've had to fight legislation that would make them enforce vehicle idling laws outside their stores, turn their shops into plastic and glass bottle recycling centers, and impose a fee on their patrons for the use of plastic bags. And now, this measure would go a step further to impose penalties on the small businesses that sell *legal* products to *legal* adults over 19 years of age," said Risalvato.

Senator Codey's bill proposes only penalties for the seller of the tobacco product, not the purchaser. "It takes two to tango," Risalvato said. "Why doesn't Senator Codey propose penalties for those who violate the law and purchase cigarettes? Answer: Because the outcry from citizens of legal age to purchase legal products would be deafening. If an individual attempts to manipulate a convenience store employee to unlawfully dispense a tobacco product, that individual should be held accountable for their actions," he said.

"Looking at this issue from a broader standpoint, however, I find it distressing that a respected New Jersey legislator, who has always exerted leadership, is now following-the-leader and is embracing another nanny-state measure from across the Hudson. New Jerseyans have no desire to live in the "Nanny State" that New York is becoming – where people are told what to eat and drink and how to eat it and drink it. That kind of social engineering may pass as good government in New York, but not in New Jersey!" Risalvato said.

"Besides which, can the Legislature truly embrace this idea with a straight face? If our young men and women are old enough to vote, get married, serve their nation in the armed forces, 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. The 26th Amendment demands nothing less, and neither should the citizens of New Jersey", Risalvato said.

"Many of us deplore the use of tobacco products. I am one of them. Yet it is the right of every adult consumer to decide which products to indulge in, and which to abstain from. Only through education and awareness can the use of tobacco be combated. Failing that, it won't matter if the legal age to purchase tobacco products is 21, 25, or 30 – grown men and women have a right to make choices without Trenton's interference," said Risalvato. Does anyone really believe that raising the legal age which allows a person to buy cigarettes will stop them from smoking?" Risalvato continued.

"Senator Codey's intent is admirable; I stand with him to vocally assert that young people should learn about the very real dangers smoking imposes on one's health. Yet I also recognize the people he's 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 our youth from making foolish choices," Risalvato concluded.

####