



State Legislators Debate Raising NJ's Minimum Age for Cigarette Sales to 21

Andrew Kitchenman | June 9, 2014

Measure would put onus on retailers to curb sales, backers say young adults remain likely to start smoking

It's a common deception among young smokers -- getting someone who's older to buy cigarettes for them. But if a proposed bill becomes law, it will be just a bit tougher for juveniles to get their smokes from someone else: The measure would raise the minimum age to buy cigarettes and other tobacco products from 19 to 21.

What's more, if S-602/A-3254, is enacted, New Jersey will be the only state to increase the minimum age to 21.

The bill pits public-health advocates against business owners. The former basically advance two arguments: Raising the legal age to 21 will keep cigarettes out of the hands of high-school kids. Further, statistics show that some smokers don't start until between 19 and 20.

Business owners argue that it's unfair to put the entire responsibility for curbing smoking on them.

Pretty much the same arguments were made in the debate over a 2006 law raising the minimum age from 18 to 19.

The new measure opens up another front in the battle: It would also apply to electronic cigarettes. Some 88 percent of daily smokers pick up the habit by age 18, with an additional 11 percent starting between 18 and 26, according to a U.S. Surgeon General report.

Karen Blumenfeld, executive director of New Jersey Global Advisors on Smokefree Policy (NJ GASP), noted that New York City raised its minimum age to 21 in May, while other counties and towns in New York and Massachusetts have taken similar steps.

"We certainly don't want to make it easy for people to have access to tobacco, because at that age they are very vulnerable," said Blumenfeld, adding that a large share of those who purchase cigarettes for minors are 19 or 20. "Now we're noticing this trend of those who are in college or are of college age are buying for those who are minors."

Blumenfeld added that Needham, MA, saw the share of teenagers who smoke fall by more than half after that town raised the minimum age to 21.

Sal Risalvato, executive director of the New Jersey Gasoline-Convenience-Automotive Association, questioned why the bill would bar retailers from selling tobacco products to those under 21 without criminalizing the use of these products for those ages.

"We're putting my members in a very difficult positions, where it's illegal for them to sell it and then the onus and the penalty is entirely on them," Risalvato said. "And we all know that things slip through the cracks."

Bill sponsor Richard J. Codey (D-Essex and Morris) noted that retailers already must check the age of young-adult tobacco purchasers, adding "this doesn't change anything." But Risalvato countered that increasing the minimum age increased the risk to retailers.

"That just brings more people into the mix that we have to screen and it just is a larger burden on us," Risalvato said. "And if the true focus is to discourage people from smoking then why not have a penalty to someone who sneaks past us as well."

NJ GASP attorney Cara Ann Murphy said requiring retailers to check the age "is just part of doing business with selling tobacco and having the ability and license to sell tobacco."

Sen. Robert W. Singer (R-Monmouth and Ocean) noted that adults younger than 21 are trusted with other major responsibilities, such as entering into contracts and serving in the military. Blumenfeld responded that every branch of the military has smoking-cessation programs.

Sen. Ronald L. Rice (D-Essex), a smoker, said he was concerned with the bill's potential impact on "liberated adults," and disturbed that members of the military like his nephew, who was called for a third tour in Afghanistan, would be denied cigarettes.

"I just think you are wrong for making that decision for folk, particularly those who may not ever get back home doing military services," Rice said. "And if in fact they travel throughout the country doing their time in the service and they're buying cigarettes elsewhere, and they come here and they can't buy it, as an adult -- I have a problem with that."

He noted that young adults can buy real estate, have families and pay taxes, and questioned why they can't be allowed to make decisions about their health. "To be quite frank, I'm getting tired about folk trying to tell adults what to do," he said.

Eileen Kean, representing R.J. Reynolds parent Reynolds American, said the company would like to see the state join most other states in making tobacco purchasing and possession illegal for minors, but is neutral on the bill. Sen. Joseph F. Vitale (D-Middlesex) said he doesn't support criminal penalties for residents who have become addicted to smoking, adding that he believes tobacco companies are disingenuous after having promoted the use of tobacco by youths in previous decades.

Codey admitted that some young people would continue to buy cigarettes illegally, but he noted that upping the drinking age from 18 to 21 deterred alcohol consumption among some young adults.

"There's a segment of our society that will obey the law, it's as simple as that," he said. "So the more we can discourage our youths from taking up this terrible habit of smoking, we will save their lives, we will improve the quality of their lives," and reduce second-hand smoke.

The Senate Health, Human Services and Senior Citizens Committee released the bill on June 5 by a 6-2 vote, with Rice and Singer voting "No."