

Is New Jersey's groundbreaking tobacco law failing? See the surprising results.

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By

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Although New Jersey was [the first state in the nation to raise the legal smoking age to 21](#), nearly half of all minors have been able to buy cigarettes and other nicotine products, a new [study co-authored by Rutgers University](#) has found.

Underage buyers 18 to 20 years old who assisted the study made nearly 2,700 attempts to purchase tobacco from 70 different convenience stores, pharmacies, gas stations and other retailers in a 25-mile radius from New Brunswick from 2019 to 2022, according to the study.

Only 60% of cashiers asked to see the purchaser's identification, as required by law, and nearly half of the underage customers, 49.5%, succeeding in buying cigarettes and other products, the study found.

"We found that compliance with the law varied by store type and product type, meaning that ID checks or scans are not being done consistently across different stores and tobacco products," said [Mary Hrywna](#), principal investigator of the National Cancer Institute grant that funded this research and an associate professor at the [Rutgers Institute for Nicotine and Tobacco Studies](#) and the [Rutgers School of Public Health](#).

Smoking is on the decline in New Jersey, with 10.4% of the population 18 and older reporting in 2022 they consume tobacco products every day or close to it, compared to 17.7% a decade earlier. Nationally, 14% percent of the adult population smokes, according to the U.S. Centers for Disease Control and Prevention.

The latest National Youth Tobacco Survey by the U.S. Food and Drug Administration and the U.S. Centers for Disease Control and Prevention said electronic cigarette use had dropped to the lowest level in a decade.

But with tobacco consumption the leading cause of preventable death, it remains a major concern. Other studies have found 90 percent of tobacco users begin before they turn 21.

Indoor smoking in public places [except for casinos](#) has been illegal in New Jersey since 2006. The Garden State also was the first state to ban "vaping" in public in 2010. Gov. [Chris Christie signed the law in 2017](#) that prohibits retailers from selling cigarettes to customers who are under 21, up from age 19. Two years later, a federal law raised the age to 21 everywhere.

Gov. [Phil Murphy](#) also signed [a law banning flavored e-cigarette, or vaping, products](#) in New Jersey in 2020.

The Rutgers study, conducted with [Wake Forest University School of Medicine](#), shows the enforcement of these laws is spotty.

Eric Blomgren, executive director for the New Jersey Gasoline, C-Store, Automotive Association, said he was “disappointed with the results, and strongly encourage all business owners to comply with the law.”

“We encourage the State to more actively enforce our existing tobacco control laws across the board, including against sales to the 18-20 year old adults who were the focus of this study,” Blomgren added. “As a nonprofit group we will also work to further increase awareness of the need to ensure retail employees comply with this law.”

To make compliance easier, retailers may use electronic scanners to check a buyer’s ID. But the study says e-scanners were used 22% of the time, and even when they were used, 17 minors still walked away with cigarettes, cigars or vapes.

About 40% of the sales occurred at independent convenience stores, 33% at chain convenience stores, 11.5% at other retailers, nearly 9% at pharmacies and 6.7% at gas stations kiosks, the study said.

Drug stores had the best track record checking IDs, while nonchain convenience stores had the worst. Minors who tried to buy nicotine pouches were the least likely to get their ID checked.

The [study](#) was published in *JAMA Network Open*.

“Raising New Jersey’s tobacco age of sale to 21 was a significant milestone, but the results of our study suggest that effective implementation of the law continues to be challenging,” Hrywna said.

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