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Newton city council OK's a tobacco ban

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City councilors in Newton have approved a generational ban on tobacco and e-cigarette sales in the city that will prohibit purchases by anyone born after March 1, 2004, joining a growing number of Massachusetts communities that have passed measures to curb tobacco use among young people.

The council passed the measure, 19-4, after supporters said it would protect young Newton residents from the harms of smoking, while some opponents, who did not dispute the health risks of tobacco, said they viewed it as a government overreach.

"This is not a ban ... this is a slow phase-out over a very long time," said Councilor Susan Albright, according to a video of the Jan. 21 meeting. "And for anybody who currently smokes, they're still able to smoke. It's just that we won't have anybody new addicted to it."

Councilor Stephen Farrell said he agreed with concerns about the health risks of smoking, which he said are "beyond dispute." But he said the measure is not necessary, pointing to an ongoing decline in smoking among adults and teenagers.

"It is, unfortunately, the kind of blatantly unnecessary government outreach that infuriates so many people," he said. "We will limit the rights of only some adults, because we think

Measure would prohibit sales to anyone born after March 1, 2004

we know what's best for them after they turn 21."

Nearly 9 out of 10 adults who smoke cigarettes daily first tried smoking before they turned 18, according to the Centers for Disease Control and Prevention. About 8 percent of middle and high school students in the United States use tobacco products, most of whom use e-cigarettes. Just over 1 percent smoke traditional cigarettes, according to the CDC.

In 2018, Massachusetts lawmakers raised the statewide minimum age for purchasing tobacco to 21. Two years later, former governor Charlie Baker signed a bill that banned the sale of flavored tobacco, including menthol cigarettes, flavored vapes, and e-cigarettes.

Since then, some cities and towns have taken more aggressive measures.

Brookline was the first community in the state to adopt a generational ban, prohibiting the sale of tobacco to anyone born this century. The rule, which went into effect in 2021, was upheld by the Supreme Judicial Court this year after store owners sued the town, arguing that the ban was unconstitutional and conflicts with the 2018 state law.

Newton joins Brookline and a dozen other towns that have adopted similar bans, including

Belchertown, Chelsea, Concord, Malden, Manchester-by-the-Sea, Melrose, Needham, Pelham, Reading, Stoneham, Wakefield, and Winchester, according to the state Department of Public Health.

In a newsletter to Newton residents earlier this month, Mayor Ruthanne Fuller said the ordinance would create a "nicotine-free generation" and serve as a "important tool in reducing the harm caused by tobacco products such as cigarettes and vapes."

"Across the nation and Massachusetts, we are experiencing challenges with health care costs and strains on the health care system," Fuller wrote. "Smoking-related illnesses, including respiratory and cardiovascular diseases and cancers, contribute significantly to the challenges."

"There is no safe amount of nicotine," Fuller added. "Nicotine is harmful at all ages."

Fuller said there are 35 retailers in Newton that are permitted to sell tobacco.

A group of state lawmakers last fall said they planned to file legislation this year that would gradually end all sales of nicotine and tobacco products.

Peter Brennan, executive director of the New England Convenience Store and Energy Marketers Association, pushed back

on the measure. In a statement on Wednesday, he said the new rule in Newton, as well as the possible statewide measure, is a "misguided infringement on adults' rights."

"It will only create an illicit market that will increase crime, funnel crucial tax dollars out of state and harm small businesses while doing nothing to address youth tobacco use," Brennan said.

The association last week announced a new coalition it is funding called Citizens for Adult Choice, a campaign against prohibiting adults from purchasing legal nicotine products.

In a statement, the coalition said it is focused on "protecting the individual liberty of every adult in Massachusetts against encroachment on their right to make grown-up decisions."

Chelsea City Councilor Todd Taylor, a former smoker who opposed the "nicotine-free generation" proposal that the Chelsea Board of Health passed in December, said the group will work to protect "the freedom of choice for every adult."

"I'm in total agreement with measures that promote public health, but I am opposed to this law because decisions as impactful as these should remain in the hands of the individual," Taylor said in a statement.

Material from the Associated Press was used in this report. Nick Stoico can be reached at nick.stoico@globe.com.