

NECSEMA's statement on the recent SJC ruling on Brookline's nicotine free generation bylaw

The SJC has careened down a slippery slope by affirming Brookline's ban on all nicotine product purchases by all adults born this century. We are reviewing the ruling, but it is clearly rooted in authoritarianism by supporting the legal idea that there is no such thing as an adult with inalienable rights unless those rights are first granted to a citizen by government.

The ruling sets a disturbing precedent by granting authority to local boards of health to decide who is "adult enough" to make decisions, regardless of what state or federal laws say on the issue. The SJC decision says that local officials, whether elected or appointed, can now ban products that they don't agree with, ignore the state legislature, and create their own arbitrary bans.

You may not use any tobacco or nicotine product, so you may think that this decision won't impact you. Perhaps it won't, yet. Eventually, though, the zealots will take aim at something that you, as an adult, have reached the "legal age" to enjoy.

The SJC has decided a 50, 60, or, 70-year old cannot choose to purchase tobacco or nicotine. What products are next?

NECSEMA and our partners are examining all legal options to protect our members' rights and the civil liberties of the citizens of Massachusetts.

Peter A. Brennan
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