



Health

BOL Meeting Minutes - Final

Committee Chair: Jewel Williams-Johnson

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, June 6, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation committee

This meeting will be held pursuant to Chapter 1 of the New York State Laws of 2022 and Executive Order 11, as extended, which authorize any public body to meet and take such action authorized by law without permitting in public-in-person access to meetings and authorize such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. To access the meeting, please visit:

<https://westchestercountyny.legistar.com>

With a quorum present, Chair Williams Johnson called the meeting to order at 1:14 PM.

Others in Attendance: LAW: Stacey Dolgin-Kmetz and Shawna Mcleod; BOL: Legislator James Nolan (remote), Legislator Tyrae Woodson-Samuels (remote), Legislator Margaret Cunzio, Legislator Catherine Parker (remote), Legislator Christopher Johnson (remote), Legislator Benjamin Boykin, Melanie Montalto (remote), Anand Singh and Dayana Gómez

Present: Committee Chair Williams Johnson, Legislator Barr and Legislator Smith

Remote: Legislator Borgia, Legislator Gashi, Committee Vice-Chair Pierce and Legislator Shimsky

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[LL 9-2022](#)

LL - Proposed Clinic Access Legislation

A LOCAL LAW adding Chapter 425 to the Laws of Westchester County to ensure safe access to reproductive health care facilities.

Submitted by: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Department of Law - Stacey Dolgin-Kmetz, Chief Deputy County Attorney, and Shawna Macleod, Senior Assistant County Attorney

Legislator Smith spoke about various items that would be added to the legislative record, including news articles, records of incidents, and social media posts. Discussion ensued on the merit of including such items before the Department of Law spoke about changes made to the legislation, including making it align more with NYS penal law and existing case law.

Chairwoman Borgia spoke about the importance of making this law as content neutral as possible, before Legislator Maher asked about an implied request in relation to counseling.

Ms. Macleod said that harass only appears in the law once and said that any court rulings made would be largely fact specific. Mr. Figueroa noted that in the proposed law, affirmative consent to approach relates to the floating buffer, whereas a request to cease relates to the fixed buffer. Legislator Cunzio asked about no solicitation signs and Ms. Macleod said it would be up to the individual facilities, with additional discussion ensuing on the practicalities of the boundaries.

Legislator Nolan noted that some first amendment lawyers that he spoke to had concerns about the law and Chair Smith indicated that people would have an opportunity to speak on the law at the upcoming Public Hearing at the June 13th Regular Meeting.

Ms. Macleod spoke about changes to legislation including changes to definitions and prohibited conduct. Legislator Shimsky voiced concerns about significant changes being made so late and discussion ensued on why these changes were necessary to balance protecting a facility while not infringing on any first amendment rights, and Ms. Macleod confirmed that the law was written as closely as possible to laws that have been upheld. Legislator Barr noted that the law should not be watered down too much, and spoke on why the legislation was content neutral, and not content based.

Legislator Maher voiced concerns about the definition of harass along with implied or implicit non-consent and discussion ensued on whether this was a significant change, as they wanted to avoid material challenges. Mr. Figueroa cited a portion of opinion regarding the Griep case as to why the law was written as such, with further discussion ensuing on the Legislator Maher's concerns.

On motion of Legislator Smith, seconded by Legislator Barr, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Chair Williams Johnson, Legislator Barr, Legislator Borgia,
Legislator Gashi, Committee Vice-Chair Pierce, Legislator Shimsky and
Legislator Smith

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Committee Vice-Chair Pierce, seconded by Legislator Gashi, the Committee adjourned at 4:00pm.