

Health Meeting Agenda



Committee Chair: Jewel Williams Johnson

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
WestchesterLegislatorsNY.gov

Wednesday, May 13, 2026

11:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, 8th Floor, White Plains, New York, 10601, and livestreamed via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view the meeting and its video recording online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/>. This website also provides the links to documents to be discussed at a given meeting.

Legislator Emiljana Ulaj will be participating remotely from 520 White Plains Road, Tarrytown, New York 10591

MINUTES APPROVAL

1. Wednesday, April 29, 2029 at 11:00am
2. Wednesday, May 6, 2026 at 11:00am

I. ITEMS FOR DISCUSSION

1. [2026-43](#) **PH-Prohibit the Sale of Camouflaged Vaping Devices in Westchester County**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County." [Public Hearing set for _____, 2026 at _____ .m.].
LOCAL LAW INTRO: 2026-44.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Law Department
Chief Deputy County Attorney Stacey Dolgin-Kmetz
Associated County Attorney Jason Whitehead

2. [2026-44](#) **LOCAL LAW-Prohibit the Sale of Camouflaged Vaping Devices in Westchester County**

A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County."

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Law Department
Chief Deputy County Attorney Stacey Dolgin-Kmetz
Associated County Attorney Jason Whitehead

3. [2026-212](#) HON. JEWEL WILLIAMS JOHNSON: PH - Flavored Nicotine Vapor Products

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products in the County of Westchester." [Public Hearing set for _____, 2026 at _____ .m.]. LOCAL LAW INTRO: 2026-213.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Law Department
Chief Deputy County Attorney Stacey Dolgin-Kmetz
Associated County Attorney Jason Whitehead

4. [2026-213](#) HON. JEWEL WILLIAMS JOHNSON: LL - Flavored Nicotine Vapor Products

A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products in the County of Westchester.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests: Law Department
Chief Deputy County Attorney Stacey Dolgin-Kmetz
Associated County Attorney Jason Whitehead

II. OTHER BUSINESS**III. RECEIVE & FILE****ADJOURNMENT**



Kenneth W. Jenkins
County Executive

January 22, 2026

Westchester County Board of Legislators
Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

Attached hereto for your consideration is "A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County."

In the late 1980's and 1990's, the federal government found that nicotine in tobacco was highly addictive and extremely dangerous to a person's health and that a high percentage of adult smokers begin smoking before they have reached eighteen years of age. In 2001, in response to these findings, this Honorable Board adopted a local law to prohibit the sale or transfer of tobacco products to people under the age of twenty-one and to restrict advertising of such products to the point of sale.

The use of electronic cigarettes or e-cigarettes, which contain high amounts of nicotine, by young people has soared in the past decade. In New York State, nearly one in five high school students report having used an e-cigarette (18.7%) according to studies cited by the New York State ("NYS") Department of Health. Studies have shown that vaping causes various adverse health effects such as impaired development, lung cancer, and heart conditions. Vape manufacturers advertise products designed to look like innocuous objects, such as highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches, toys, and drink containers. This predatory marketing strategy provides a means by which underage users conceal nicotine delivery tools from parents, teachers, and other adults. Although New York State law prohibits the sale of vaping products to persons under the age of 21, camouflaged vaping devices make it easier for vendors and individuals to sell illegal products to minors by evading detection by law enforcement.

While the Laws of Westchester County ("LWC") also restrict the sale of tobacco products to persons under the age of 21, this proposed Local Law will amend the LWC by adding provisions which will prohibit the sale of deceptively designed vaping devices and e-cigarettes to any person. The Department of Health will enforce this Local Law. Persons who violate this law will be subject to the same penalties currently assessed pursuant to Article 13-F of the New York State Public Health Law entitled Regulation of Tobacco Products, Herbal Cigarettes and Smoking Paraphernalia; Distribution to Minors, including but not limited to: fines from \$300 to \$1500 for a first violation and from \$1000 to \$2500 for each subsequent violation.

Office of the County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2900

In light of the aforementioned, I recommend adoption of the attached Local Law.

Sincerely,



Kenneth Jenkins
County Executive

KWJ/JW
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

our Committee has reviewed the attached, “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.”

Your Committee recognizes that, in the late 1980’s and 1990’s, the federal government found that nicotine in tobacco was highly addictive and extremely dangerous to a person’s health and that a high percentage of adult smokers begin smoking before they have reached eighteen years of age. In 2001, in response to these findings, this Honorable Board adopted a local law to prohibit the sale or transfer of tobacco products to people under the age of twenty-one and to restrict advertising of such products to the point of sale.

Your Committee further recognizes that, the use of electronic cigarettes or e-cigarettes, which contain high amounts of nicotine, by young people has soared in the past decade. In New York State, nearly one in five high school students report having used an e-cigarette (18.7%) according to studies cited by the New York State (“NYS”) Department of Health. Studies have shown that vaping causes various adverse health effects such as impaired development, lung cancer, and heart conditions. Vape manufacturers advertise products designed to look like innocuous objects, such as highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches, toys, and drink containers. This predatory marketing strategy provides a means by which underage users conceal nicotine delivery tools from parents, teachers, and other adults. Although New York State law prohibits the sale of vaping products to persons under the age of 21, camouflaged vaping devices make it easier for vendors and individuals to sell illegal products to minors by evading detection by law enforcement.

Your Committee is advised that, while the Laws of Westchester County (“LWC”) also restrict the sale of tobacco products to persons under the age of 21, this proposed Local Law will amend the

LWC by adding provisions which will prohibit the sale of deceptively designed vaping devices and e-cigarettes to any person. The Department of Health will enforce this Local Law. Persons who violate this law will be subject to the same penalties currently assessed pursuant to Article 13-F of the New York State Public Health Law entitled Regulation of Tobacco Products, Herbal Cigarettes and Smoking Paraphernalia; Distribution to Minors, including but not limited to: fines from \$300 to \$1500 for a first violation and from \$1000 to \$2500 for each subsequent violation.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The proposed act does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 9, 2026, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends the adoption of this Local Law amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.

Dated: _____, 2026
White Plains, New York

RESOLUTION NO. ____ - 2026

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2026, entitled, "A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County." The public hearing will be held at __.m. on the ____ day of _____, 2026 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to prohibit the sale of camouflaged vaping devices in Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 535.11 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 535.11. Definitions.

1. "Bar" means any indoor area open to the public devoted to the sale and service of alcoholic beverages for on-premises consumption and where the service of food is only incidental to the consumption of such beverages. Service of food shall be considered incidental if the food service generates less than forty (40) percent of total annual gross sales. Any bar that generates forty (40) percent or more of the total annual gross sales from the sale of food for on-premises consumption shall be a food service establishment.
2. "Cigarette rolling paper" means paper, or any other material except tobacco, prepared for use as a cigarette wrapper.
3. "Electronic cigarette" or "e-cigarette" means an electronic device that delivers vapor which is inhaled by an individual user, and shall include any refill, cartridge, or any other component of such a device. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.
- ~~3.4.~~ "Food service establishment" means any indoor area open to the public or portion thereof in which the business is the sale of food for on-premises consumption and which has an indoor seating capacity of greater than fifty (50) persons including, but not limited to

restaurants, cafeterias, coffee shops, diners, sandwich shops or short order cafes. A food service establishment shall not include the bar area of such establishment.

- 4.5. "Lockout device" means a token or other type of device which enables the operator of a vending machine containing tobacco products to directly regulate the sale of said items by limiting access to the vending machines to authorized adults.
- 5.6. "Point-of-sale advertising" means all printed or graphical materials bearing the brand name, but not the cigarettes packs and cartons, which alone or in conjunction with any other word, logo, symbol, motto, selling message or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of cigarettes, smokeless tobacco, electronic cigarettes, or other tobacco product which, when used for its intended purpose, can reasonably be anticipated to be seen by customers at a location at which tobacco products are offered for sale.
7. "Sell" means to sell, exchange, give, or dispose of to another, or offer or agree to sell, exchange, give, or dispose of to another.
- 6.8. "Tobacco business" means a sole proprietorship, corporation, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.
- 7.9. "Tobacco products" means any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, vapor product, cigar, pipe, or

hookah. "Tobacco products" includes any component, part, or accessory of a tobacco product, whether or not sold separately.

"Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

8.10. "Token" means a facsimile coin made available by an establishment for the purpose of use in vending machines.

11. "Vapor product" means any noncombustible liquid or gel, regardless of the presence of nicotine therein, that is manufactured into a finished product for use in an electronic cigarette, including any device that contains such noncombustible liquid or gel. "Vapor product" does not include any device, or any component thereof, that does not contain such noncombustible liquid or gel, or any product approved by the United States Food and Drug Administration as a drug or medical device, or manufactured and dispensed.

Section 2. Chapter 535 of the Laws of Westchester County is hereby amended include a new Section 535.21-a, to read as follows:

Sec. 535.21-a. Sale of Camouflaged E-Cigarettes or Vaping Products Prohibited

It shall be unlawful to sell, offer for sale, and/or permit the sale or transfer to any person of any age e-cigarettes or vaping products, regardless of the presence of nicotine therein, that resemble or are designed to resemble school supplies, common personal items including, but not limited to, highlighters, USB drives, ballpoint pens, smartphone cases, smartwatches, toys, drink containers and/or backpacks.

Section 3. Section 535.81 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 535.81. Enforcement and penalties.

1. The Westchester County Board of Health is authorized to enforce the provisions of this chapter.
2. Any person who violates any provision of this chapter:
 - ~~a.~~ Shall be subject to a fine or civil penalty of a minimum of \$300.00, but not to exceed \$1,000.00 for a first violation within a two-year period;
 - ~~b.~~ Shall be subject to a fine or civil penalty of a minimum of \$500.00, but not to exceed \$1,500.00 for each subsequent violation within a two-year period; and
 - ~~a.e.~~ Shall also be subject to the any penalties provided for under New York State Public Health Law § 1399-ee and § 1399-ff ~~unless such penalty is expressly provided for herein.~~
 - ~~b.d.~~ If an individual violates this provision three times or more within a two-year period, then, in addition to any other penalty permitted by this section, the New York State Commissioner of Taxation and Finance shall be contacted in order to suspend the individual's applicable registration in accordance with New York State Public Health Law § 1399-dd.
3. A person shall be guilty of a Class B misdemeanor and subject to penalty as prescribed by law if he or she has violated any provision of this chapter, except that a person may only be guilty of a B misdemeanor for violating sections 535.21(1), 535.21-a, 535.41(3) or 535.61, if said person has violated those provisions more than once.

4. This chapter shall not be construed to exclude any other remedy provided by law.

Section 4. *Effective Date.* This Local Law shall take effect immediately.



Memorandum

Jewel Williams Johnson

Legislator, District 8

Michaelian Office Building

To: Sunday Vanderburgh

From: Jewel Williams Johnson

Date: April 16, 2026

Re.: Establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products

Please place the attached proposal, the adoption of “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products in the County of Westchester”, on the agenda for the April 20, 2026 meeting of the Westchester County Board of Legislators so that it may be referred to the appropriate committees.

Thank you.

cc: James Silverberg, Legislative Director
Dylan Tragni, Chief of Staff

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products in Westchester County.”

Your Committee recognizes that, in 2020, New York State banned the sale of flavored nicotine vapor products across the State, with the exception of unflavored and tobacco-flavored products, as well as nicotine vapor products approved by the federal government. The New York State Commissioner of Health had noted prior to the passage of the ban that:

Flavors are largely responsible for the dramatic increase in use of e-cigarettes by youth and are a principal reason that youth initiate and maintain e-cigarette use. According to Department of Health data, nearly 40 percent of 12th grade students and 27 percent of high school students in New York State are now using e-cigarettes, and this increase is largely driven by flavored e-liquids. High school use in 2018 (27.4%) is 160 percent higher than it was in 2014 (10.5%). While New York's high school student cigarette smoking rate dropped from 27.1% in 2000 to a record low of 4.3% in 2016, aggressive marketing strategies promoting flavored e-cigarettes are primed to reverse that trend.

NYS Department of Health, https://health.ny.gov/press/releases/2020/2020-05-18_fl_nicotine_vapor_products_ban.htm. The Commissioner also noted that flavoring had been a “key youth marketing strategy of the vaping/aerosol industry.”

Your Committee further recognizes that the challenge with the New York State law prohibition is that it does not outright ban the possession of flavored nicotine vapor products. Retail dealers are still permitted to sell these products to consumers online and/or in other states or jurisdictions where their sale is legal. According to the County’s Health Department, where a retail dealer is caught in possession of flavored nicotine vapor products, the retail dealer will simply claim that they possess them for purposes of out-of-state or online sales, without any proof thereof, and thereby flouting the New York State ban on the sale of nicotine vapor products. This leaves the Health Department in the position where it is required to not only prove possession, but to prove intent, despite there being no evidence to support the retail dealer’s position.

Your Committee is advised that, this proposed amendment to Chapter 535 of the Laws of Westchester County would close this loophole. If a retail dealer is found to be in possession of flavored nicotine vapor products, there would be a presumption of an intent to sell those products. The retail dealer would have an opportunity to rebut that presumption by a preponderance of the evidence that their possession was only with the intent to sell those products either on-line or out-of-state (where the sale of which is legal) and not in New York State or Westchester County.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The proposed amendment does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 9, 2026, which is on file with the Clerk of the Board of Legislators.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2026
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ – 2026

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2026, entitled, “A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored nicotine vapor products in Westchester County.” The public hearing will be held at __.m. on the ____ day of _____, 2026 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.

A LOCAL LAW amending Chapter 535 of the Laws of Westchester County to establish a rebuttable presumption in regards to the possession of flavored vapor products in Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 535 of the Laws of Westchester County is hereby amended to include a new Section 535.21-b, to read as follows:

Sec. 535.21-b. Presumption Related to the New York State Ban on the Sale of Flavored Vapor Products

1. There shall be a rebuttable presumption that a vapor products dealer, as defined in Section 1399-aa(18) of the New York State Public Health Law, in possession of four (4) or more flavored vapor products, as defined by Section 1399-mm-1(1) of the New York State Public Health Law, in or on the premises of a tobacco business or retail establishment possesses those products to sell, offer for sale, or transfer to persons flavored vapor products in violation of Section 1399-mm-1.

2. Any vapor products dealer charged with a violation of Section 1399-mm-1 of the New York State Public Health Law may overcome the presumption in subdivision 1 of this section by establishing based upon a preponderance of the evidence that said vapor products are for sale or offered for sale solely to consumers on-line and residing in other states and jurisdictions where their sale is not prohibited.

Section 2. Effective Date. This Local Law shall take effect immediately.