

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, October 17, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committee on Legislation

Please note: This meeting will be held in person at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 in the McPoland Conference Room # 824 and also remotely via WebEx. Legislators may participate in person or via video conferencing through WebEx. Members of the public are invited to attend the meeting in person at any of its locations or view it online at the Westchester Legislators website:

<https://westchestercountyny.legistar.com/Calendar.aspx> this website also has links to the Agenda Packets containing documents to be discussed at the meeting.

Chairwoman Catherine Borgia will be participating remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY, 10510

With a quorum present, Chair Williams Johnson called the meeting to order at 1:24 PM.

Others in Attendance: GUESTS: Mark Weingarten, Faheem Jamal, Menant Oral, Reyna Meneses, Amer Jaber, Youse Qawas and Samer Bader; LAW: David Chen; DOH: Christopher Ericson (remote) and John Hopper (remote); BOL: Legislator Catherine Parker (remote), Legislator Damon Maher, Melanie Montalto (remote), Marcello Figueroa, Shatika Parker and Dayana Gómez

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

Remote: Legislator Borgia

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [RES-2022-199](#) **PH - Prohibiting the Sale or Distribution of Flavored Tobacco Products**

A Public Hearing on "A LOCAL LAW adding a new Chapter 539 of the Laws of Westchester County in relation to prohibiting the sale or distribution of flavored tobacco products." [Public Hearing set for November 14, 2022 at 7:30 p.m.]. LOCAL LAW INTRO: 2022-461.

SUBMITTED BY: COMMITTEES ON LEGISLATION AND HEALTH

Guests:

David Chen - Deputy County Attorney
Department of Law

Christopher Ericson, MPA - Deputy Commissioner of Environmental Health
John Hopper, Associate Public Health Sanitarian
Department of Health

Legislator Smith and Chair Williams Johnson introduced the guests and invited Mr. Chen to share what changes were made to the legislation. Mr. Chen outlined the following changes:

- *Removed the reverse preemption clause*
- *Added a clause specifying that nothing in this law intends to conflict with Section 1399 E of the New York State Public Health Law*
- *Specifies that only the Department of Health is the enforcing agency*
- *Period between when it is enacted to when it takes effect is 3-6 months*
- *Clarifies that only establishments are the intended target of the law, not individuals*
- *Clarifies that purchase user possession are not being targeted*

Mr. Chen confirmed that there are no criminal penalties with this law in response to Legislator Smith's question.

Chair Williams Johnson expressed remarks as to why this legislation would be beneficial to pass in the County and where to find recordings from previous meetings on the topic. She provided statistics and the effects that smoking has had on different communities and youths in general. Additionally, she expressed how tobacco companies have used mentholated tobacco products as a way to entice people into consuming their products.

Deputy Commissioner Ericson asked if pipe tobacco was included and a discussion ensued to decide whether or not this legislation should explicitly state "pipe tobacco" within it. He also provided insight on distribution and asked if it includes mail order. Chair Williams Johnson confirmed that it cannot be on the property either and Legislator Barr explained how this change came to fruition. The Deputy Commissioner also added that there may need to hire enough staff to fulfill their responsibilities under this law.

Legislator Pierce motioned to amend the law to include "pipe tobacco" in Section 539.01 Subsection 7 of the Local Law, it was seconded by Legislator Barr and unanimously approved.

Chair Williams Johnson proceeded to conclude the meeting.

On motion of Committee Vice-Chair Pierce, 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

2. [2022-461](#) **LEGISLATORS WILLIAMS JOHNSON, PIERCE, BARR, SHIMSKY, JOHNSONM BORGIA, PARKER AND GASHI - LL - Prohibiting the Sale or Distribution of Flavored Tobacco Products**

A LOCAL LAW adding a new Chapter 539 of the Laws of Westchester County in relation to prohibiting the sale or distribution of flavored tobacco products.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests:

David Chen - Deputy County Attorney
Department of Law

Christopher Ericson, MPA - Deputy Commissioner of Environmental Health
John Hopper, Associate Public Health Sanitarian
Department of Health

Please see item 2022-460 (item #1 on this agenda).

On motion of Committee Vice-Chair Pierce, 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 Legislator Smith, seconded by Legislator Gashi, the Committee adjourned at 2:06pm.