



Legislation

BOL Meeting Minutes - Final

Committee Chair: Colin Smith

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 Health

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely 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 it online on the Westchester County Legislature's website: this website also provides links to materials for all matters to be discussed at a given meeting.

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

Others in Attendance: DOH - Deputy Commissioner Chris Ericson and Associate Sanitarian John Hopper; BOL - Legislator Catherine Parker, Legislator Erika Pierce, Legislator Jewel Williams Johnson, Melanie Montalto, Marcello Figueroa, Dayana Gomez, Shatika Parker; Members of the Public - Mark Weingarten, Faheem Jamal, Menant Oral, Reyna Meneses, Amer Jaber, Youse Qawas and Samer Bader

Present: Committee Chair Smith, Legislator Barr, Legislator Cunzio, Committee Vice-Chair Gashi, Legislator Maher and Legislator Shimsky

Absent: Legislator Boykin

Remote: Legislator Borgia and Legislator Johnson

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

Chair Smith and Legislator Williams Johnson introduced the guests and invited Mr. Chen to share what changes were made to the legislation. Mr. Chen outlined the following changes which began with the removal of the reverse preemption clause, adding a clause specifying that nothing in this law intends to conflict with Section 1399 E of the New York State Public Health Law, specifying that the Westchester County Department of Health is the sole enforcing agency, the pushing out the effective date to 3-6 months, clarifying that establishments are the intended target of the law, not individuals, nor is user possession meant to be targeted. Mr. Chen confirmed that there are no criminal penalties with this law in response to Chair Smith's question.

Legislator 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 (DC) 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. Legislator Williams Johnson confirmed that it cannot be on the property either and Legislator Barr explained how this change came to fruition. DC Ericson also added that additional staff may need to be hired 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.

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee and referred to Board of Legislators, due back on 10/17/2022. The motion carried by the following vote:

Aye: Committee Chair Smith, Legislator Barr, Borgia, Committee Vice-Chair Gashi, Legislator Maher and Legislator Shimsky

Absent: Legislator Boykin

WO Prejudice: Legislator Cunzio and Legislator Johnson

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

For discussion on the item, please refer to item 2022-460.

On motion of Legislator Maher, seconded by Legislator Barr, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

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

Nay: Legislator Maher

Absent: Legislator Boykin

WO Prejudice: Legislator Cunzio and Legislator Johnson

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

Moved by Legislator Cunzio, seconded by Committee Vice-Chair Gashi, the Committee adjourned at 2:05 PM.