

Health Meeting Agenda



Committee Chair: Jewel Williams-Johnson

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

Monday, May 2, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation and Public Safety committees

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. [2022-158](#) HON. WILLIAMS JOHNSON, GASHI, SHIMSKY, BARR, PARKER, PIERCE, CLEMENTS, JOHNSON, SMITH - PH - Gun Store Warning Label Law

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms." [Public Hearing set for _____, 2022 at _____.m.] LOCAL LAW INTRO: 2022-159.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC SAFETY AND HEALTH

Guests: Law Dept: Chief Deputy County Attorney Stacey Dolgin-Kmetz and Senior Assistant County Attorney Jason Whitehead; Public Safety: Deputy Commissioner Terrance Raynor

2. [2022-159](#) HON. WILLIAMS JOHNSON, GASHI, SHIMSKY, BARR, PARKER, PIERCE, CLEMENTS, JOHNSON, SMITH: LL - Gun Store Warning Label Law

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION, PUBLIC SAFETY AND HEALTH

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II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends the adoption of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.”

Your Committee is advised that, gun violence is a uniquely American problem—and it’s only getting worse. The Giffords Law Center to Prevent Gun Violence reports that within the last 10 years, the firearm mortality rate has risen nearly 18%, with an average of 39,000 Americans dying from gun violence from 2015 to 2019. Over 45,000 Americans died from gun violence in 2020 alone. According to the Centers for Disease Control, an average of 483 deaths per year are from unintentional shootings. The average number of non-fatal injuries from a firearm doubles to 76,127 per year. A key driver of gun violence in the United States is the wide availability of firearms. When a gun is easily accessible, the risk of homicide, suicide, and unintentional shootings rises dramatically.

Your Committee is further advised that New York State serves as a national model for developing and investing in community violence prevention and intervention programs. In 2019, New York had the second-lowest gun death rate in the country and the seventh-lowest crime gun export rate. In addition, New York has taken bold action to save lives from gun violence and has recently passed legislation banning the possession or sale of ghost guns and allowing the gun industry to be held liable for irresponsible behavior. However, according to statistics from the

Giffords Law Center to Prevent Gun Violence: 54% of gun deaths in New York are suicides and more than 27% of all suicide deaths in New York involve firearms. From 2013 to 2017, 2,283 people in New York died by gun-related suicide—one every 19 hours. Guns make domestic violence incidents far more likely to end in death with nearly 37% of New York’s intimate partner homicides involving a gun. From 2007 to 2016, 180 women were killed with a gun by their intimate partner in New York. Exposure to gun violence can cause lasting trauma in young people, leading to PTSD, chronic stress, and decreased future earnings. From 2013 to 2017, 910 people under age 25 were killed with a gun in New York and more than a third of New York’s gun homicide victims are under the age of 25.

Your Committee is further advised that according to Everytown for Gun Safety, one of the largest gun violence prevention organizations in America, access to a firearm significantly increases the risk of death by suicide, domestic dispute, homicide, and unintentional gunshot. Gun owners and those contemplating buying guns should learn about the risks associated with guns. By requiring gun dealers to inform purchasers of the risks associated with firearms, buyers can make educated decisions about owning and storing guns and is a meaningful step towards preventing gun violence. Compelling firearm dealers to provide warnings about the risks associated with firearms is a means of promoting safety. Point of sale messaging has been a proven method of influence of a consumer’s behavior in industries, such as tobacco and restaurants, where warning labels have influenced the consumer to make smarter, safer, and healthier choices.

Your Committee is informed that the County has previously enacted some gun safety laws including a safe gun storage law. This proposed legislation however, would require every person, firm or corporation located in the County of Westchester and engaged in the retail business of selling weapons to post a notice in the place where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

ACCESS TO A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT 988.

Upon the issuance of a license, the County Clerk would also be required to provide the licensee a written copy of the notice indicating the warning risks of the presence of a weapon or firearm in the home.

Your Committee is further informed that the proposed Local Law 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 14, 2022, which is on file with the Clerk of the Board of Legislators.

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

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

sdk-4/28/2022

RESOLUTION NO. ____ – 2022

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. ____ - 2022, entitled “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.” The public hearing will be held at ____m. on the ____ day of _____, 2022 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 the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

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

Section 1. The Laws of Westchester County are hereby amended by the addition of a new Chapter 529 to read as follows:

Chapter 529

DISCLOSURE OF SAFETY RISKS RELATED TO WEAPONS OR FIREARMS

Sec. 529.01. Purpose

Sec. 529.11. Definitions.

Sec. 529.21. Disclosure Notice.

Sec. 529.31. Violations

Sec. 529.41. Severability

Sec. 529.01. Purpose

The purpose of this Chapter to provide for and promote the health, safety and welfare of the general public by specifically informing potential buyers of weapons or firearms in Westchester County of the dangers of owning a firearm in the home. Ownership of a weapon or firearm in the home can lead to accidental discharge, preventable suicide, unintended death of a child or other household members or death during a domestic dispute. Requiring weapon and firearm dealers to post a warning notice

delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

Sec. 529.11. Definitions.

- a. Dealer. Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of including but not limited to: any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;
- b. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;

c. Weapon. Any rifle, shotgun, firearm, machine gun or assault weapon including a semiautomatic rifle, shotgun, firearm, as those terms are defined in Section 265.00 of the New York State Penal Law;

d. Site. The facility where a sale and transfer of weapons or firearms is conducted.

Sec. 529.21. Disclosure Notice.

a. Every Dealer located in the County of Westchester and engaged in the retail business of selling weapons shall not sell, deliver, transfer or otherwise dispose of any weapon to another person unless a notice is posted in the Site where such weapons or firearms are displayed or delivered to the purchaser at the entrance to the site and in at least one additional area where sales occur conspicuously stating, in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

THE PRESENCE OF A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT (800) 273-TALK (8255).

b. Upon the issuance of a license, the County Clerk shall provide the licensee a written copy of a warning notice conspicuously stating in no smaller than 24-point

type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

WARNING

THE PRESENCE OF A WEAPON OR FIREARM IN THE HOME SIGNIFICANTLY INCREASES THE RISK OF SUICIDE, HOMICIDE, DEATH DURING DOMESTIC DISPUTES AND UNINTENTIONAL DEATHS TO CHILDREN, HOUSEHOLD MEMBERS AND OTHERS. IF YOU OR A LOVED ONE IS EXPERIENCING DISTRESS AND/OR DEPRESSION, CALL THE CRISIS PREVENTION AND RESPONSE TEAM AT (914) 925-5959 or THE NATIONAL SUICIDE HOTLINE AT (800) 273-TALK (8255).

c. The County of Westchester and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

Sec. 529.31. Violations.

Any infraction of this Chapter, or any rule promulgated thereunder, shall be a violation punishable by imprisonment of not more than fifteen days or by a fine of not more than two hundred fifty dollars (\$250), or both.

Sec. 529.41. Severability.

If any word, phrase, clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the words, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§2. This Local Law shall be effective ninety (90) days after its adoption.

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 529 in relation to the posting of notices warning of the dangers of weapons or firearms.

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Sec. 529.21. Disclosure Notice.

Sec. 529.31. Violations

Sec. 529.41. Severability

Sec. 529.01. Purpose

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delineating the risks of weapons or firearms use will provide important information to the customer who can then make smarter and safer buying choices.

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- b. Firearm. As stated in New York State Penal Law Section 265, (a) Any pistol or revolver; or (b) a shotgun having one or more barrels less than eighteen inches in length; or (c) a rifle having one or more barrels less than sixteen inches in length; or (d) any weapon made from a shotgun or rifle whether by alteration, modification, or otherwise if such weapon as altered, modified, or otherwise has an overall length of less than twenty-six inches; or (e) an assault weapon. For the purpose of this subdivision the length of the barrel on a shotgun or rifle shall be determined by measuring the distance between the muzzle and the face of the bolt, breech, or breech lock when closed and when the shotgun or rifle is cocked; the overall length of a weapon made from a shotgun or rifle is the distance between the extreme ends of the weapon measured along a line parallel to the center line of the bore. Firearm does not include an antique firearm;

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d. Site. The facility where a sale and transfer of weapons or firearms is conducted.

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b. Upon the issuance of a license, the County Clerk shall provide the licensee a written copy of a warning notice conspicuously stating in no smaller than 24-point type and on paper at least 8 and 1/2 inches by 11 inches in bold print the following warning:

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c. The County of Westchester and its agencies, officers or employees shall not be liable to any party by reason of any injury or damage resulting from the failure of any person subject to this Chapter, to comply with this Chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this Chapter.

Sec. 529.31. Violations.

- a. For the first and second violation of this Chapter, the person shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars (\$250) for each violation.
- b. For subsequent violations of this Chapter, the person shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) for each violation.

Sec. 529.41. Severability.

If any word, phrase, clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the words, phrase, clause, sentence, paragraph, section or part thereof
directly involved in the controversy in which such judgment shall have been rendered.

§2. This Local Law shall be effective ninety (90) days after its adoption.

Sdk 4-21-22