

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

Tuesday, September 13, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with the Committee on Legislation

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

*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 1:36 PM.

GUESTS: Trevor Summerfield (remote), Brianna Durkee, Kevin O'Flaherty, Molly Franco, Jennifer Cofer (remote) and Dr. Phillip Gardiner (remote); HEALTH: Dr. Sherlita Amler; LAW: David Chen; BOL: Legislator Margaret Cunzio (remote), Legislator Catherine Parker (remote), Legislator Tyrae Woodson-Samuels, Legislator Benjamin Boykin, Marcello Figueroa, Lisa Hochman, Karen Vele, Anand Singh and Dayana Gómez

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

Absent: Legislator Gashi

Remote: Legislator Borgia

MINUTES APPROVAL

1. Tuesday, July 12, 2022 1:00pm

On motion of Committee Vice-Chair Pierce, seconded by Legislator Smith, the above item was approved. The motion carried unanimously.

2. Tuesday, July 19, 2022 1:00pm

On motion of Committee Vice-Chair Pierce, seconded by Legislator Smith, the above item was approved. The motion carried unanimously.

3. Tuesday, July 26, 2022 1:00pm

On motion of Committee Vice-Chair Pierce, seconded by Legislator Smith, the above item was

approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2022-460](#) **LEGISLATORS WILLIAMS JOHNSON, PIERCE, BARR, SHIMSKY, JOHNSON, BORGIA, PARKER AND GASHI - PH - Prohibiting the Sale or Distribution of Flavored Tobacco Products**

A RESOLUTION to set 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 _____, 2022 at _____ .m.]. LOCAL LAW INTRO: 2022-461.

COMMITTEE REFERRAL: COMMITTEES ON LEGISLATION AND HEALTH

Guests:

David Chen, Deputy County Attorney - Law Department

Trevor Summerfield, Advocacy Director - American Lung Association

Brianna Durkee, Government Relations Director - American Heart Association

Kevin O'Flaherty, Director of Advocacy -Tobacco-Free Kids

Molly Franco, Community Engagement Coordinator - POW'R Against Tobacco, American Lung Association

Jennifer Cofer, Director of the EndTobacco Program - MD Anderson Cancer Center

Phillip Gardiner, Dr. P.H., Co-Chair - African American Tobacco Control Leadership Council

Upon Chair Williams Johnson's introduction, Mr. Chen explained that this law would ban the sale or distribution of flavored tobacco products in the County. A few years ago New York State passed a similar law regarding vaping products but this law goes beyond that since they did not include other tobacco products. There are penalties that go from \$300 to \$1,000 for first offense and go up from there, multiple offenses can lead to a misdemeanor charge. This law is intended to penalize the retailers not the person in possession or the clerk. Similar legislation has been passed while also being contested in other areas which make this law achievable.

Dr. Amler spoke about popcorn lung and referenced that young people have had medical procedures to help remedy the health risks found. She also emphasized that unfortunately it will be years before there is concrete evidence of the impacts of vaping.

Dr. Gardiner provided information referencing how the African American community has been negatively impacted and targeted in the sale and promotion of cigarettes and e-cigarettes. He explained how the tobacco industry makes them financially accessible in predominately minority communities which confirm that they are in fact being targeted. Dr. Gardiner also added the efforts that he and his organization have done to circumvent this issue. He emphasized that this law should target retailers not the individuals carrying these items, as

well as how physically nicotine is more likely to addict people of color with higher melanin than others. Additionally, he mentioned the correlation between alcohol and smoking. Dr. Gardiner also dismantled the misinformation that impacting hookah products as it is currently used in this country goes against cultural practices; referencing the nicknames given to some of the flavors which are not relative to Middle Eastern cultures for example.

Mr. O'Flaherty provided input on the vaping and the risks involved in consuming these products. He clarified the misinformation that people who transition from traditional smoking to e-cigarettes and vapes. Vaping can lead to other products that can negatively impact public health. He also provided information on little cigars and the impact that they have on kids as well. Mr. O'Flaherty suggested that the terms "constituent" and "Reverse Preemption" be removed and the reasons why. Chairwoman Borgia expressed why she agrees with removing the "reverse preemption" paragraph by providing examples as well.

Ms. Durkee reiterated that enforcement should be on the retailer as opposed to the clerks and the individuals in possession of these items.

Ms. Cofer shared various points to keep in mind as the committee members address tobacco consumption issues. She outlined that there is no "safe" tobacco product, the percentage of cancer related deaths among smokers, the reduction of addiction levels that happen due to laws like this and promotes public health, to name a few. She added that the flavors in tobacco products draw them in and the nicotine is what keeps them in. Researchers found that there are several studies regarding FDA approved smoking cessation methods have positively impacted individuals. She referenced statistical information on the African Americans and the drastically low numbers of quitting. 26% smoking related deaths are cancer related, and this information is primordially based on the death certificates demographics. Dr. Gardiner added that 26% might be too low of a number because some people receive carcinogens from second and third hand smoke.

Mr. Summerfield added that removing the access to flavored tobacco products on a local level is very significant and in turn can positively impact other communities, which lead to action from larger entities and in turn reduce predatory practices.

Ms. Franco shared her organization's findings regarding tobacco related products and the impact of tobacco in Westchester County. She offered to connect Legislators to smoking cessation organizations and programming. Franco referenced connecting with the Department of Health regarding the CHIP and CHOW surveys. Mr. O'Flaherty added a reference to a smoking cessation program called "No Menthol, Know Why."

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:

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Please see item number 2022-460 (above) for reference.

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

Moved by Committee Vice-Chair Pierce, seconded by Legislator Barr, the Committee adjourned at 2:58pm.