



Legislation

BOL Meeting Minutes - Published Draft

Committee Chair: Colin Smith

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 Health

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 Smith called the meeting to order at 1:36 PM.

Others in Attendance: BOL: Legislator Jewel Williams Johnson, Legislator Tyrae Woodson-Samuels, Legislator Margaret Cunzio, Legislator Erika Pierce, Legislator Catherine Parker, Dayana Gomez, Marcello Figueroa, Lisa Hochman, Anand Singh, Karen Vele; Department of Health: Dr. Sherlita Amler, Commissioner

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

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

[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

Mr. Chen explained the legislative intent of the law, its operation, and associated penalties. He referenced similar efforts at the state and federal level, but noted the proposed legislation before committee would be more comprehensive, excluding any carve outs for specific tobacco products. He emphasized the any penalties would be upon retailers, not tobacco users or retail workers. Dr. Amler briefly poke about the significant negative health effects and the costly and intensive medical procedures needed to address possible effects from the use of nicotine vapes, while emphasizing that it would be years before the true impact of vaping was known. Dr. Gardiner shared information about how the African American community has been targeted and negatively impacted by the tobacco industry, explaining the methods and strategies used in predominantly minority communities. He continued by discussing his organization's efforts in battling this issue, and agreed that this law should target those who break it, not tobacco users. He expounded on how nicotine disproportionately and negatively affects communities of color and other drug dependent individuals, along with addressing misinformation regarding the use of tobacco products by specific cultures.

Mr. O'Flaherty reiterated the risks of vaping and misinformation about them being "safer" than traditional tobacco products, and spoke about the risks youths face. He suggested specific changes to the legislation be made removing references to "constituent" and striking the reverse preemption clause, something that Chairwoman Borgia agreed with. Ms. Durkee reiterated her support that penalties be focused on the retailer as opposed to the clerks and tobacco users. Ms. Cofer reiterated the various points shared by previous speakers about the dangers of tobacco consumption. She cited statistics that showed the correlation between flavored tobacco use and the reduced ability to quit, as well as citing that 26% of cancer deaths are tobacco related, a figure that that Dr. Gardiner thought was too low due to second and third-hand smoke. Mr. Summerfield stressed the importance of removing access to flavored tobacco products at the local level, and can influence other jurisdictions to follow suit. Ms. Franco shared her organization's findings regarding tobacco related products and the impact of tobacco use in Westchester County. She offered to connect legislators to smoking cessation resources and said she would follow up with the Department of Health regarding potential funding streams, with additional resources given by Mr. O'Flaherty.

[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.

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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

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

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Barr, seconded by Legislator Boykin, the Committee adjourned at 2:59 PM.

DRAFT