



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

Thursday, September 22, 2022

1:00 PM

Committee Room

CALL TO ORDER

Joint with Committee on Health

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 participate remotely from Clear View School and Day Treatment Center, 480 Albany Post Road, Briarcliff, NY 10510.

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 1:14PM.

Others in Attendance: LAW: David Chen (remote); BUDGET: Mark Medwid (remote); GUESTS: Kyle Feldman (remote), Chris Hudgins (remote), Charles Billups (remote), Damon Jones (remote), Rima Khoury (remote), Abdulmalik Deumah, Jay Holland and Faheem Jamal; BOL: Legislator Jewel Williams Johnson, Legislator James Nolan (remote), Legislator David Tubiolo, Melanie Montalto (remote), Marcello Figueroa, Lisa Hochman, Shatika Parker, Karen Vele, Dayana Gómez and Anand Singh

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

Absent: Legislator Boykin

Remote: Legislator Borgia, Legislator Johnson, Legislator Maher and Legislator Shimsky

MINUTES APPROVAL

September 9, 2022 at 1:00 PM Minutes

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

September 12, 2022 at 2:00 PM Minutes

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

September 13, 2022 at 1:00 PM Minutes

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

I. ITEMS FOR DISCUSSION

[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 at Department of Law; Larry Soule-Budget Director and Mark Medwid-Associate Budget Director at Budget Department; Kyle Feldman-Executive Vice President at National Convenience Distributors; Rima Khoury-Board Member at National Hookah Community Association; Chris Hudgins-Director, US Corporate & Regulatory Affairs at Advanced Inhalation Rituals; Faheem Jamal-Director of C-Store Operations at Chestnut Markets/CPD Energy Corp; Abdulmalik Deumah-Yemeni American Merchants Association; Charles Billups-Chairperson and Damon K. Jones-Member at Grand Council of Guardians, Inc.

Legislator Williams Johnson invited the guests to begin their presentations on this item. Mr. Feldman shared opposing remarks regarding this item and elaborated on the economic and employment impacts that banning flavored tobacco products would have in the County. He referenced having support from entities such as teamsters as well.

Ms. Khoury provided insight on hookah products, its origin and the impact that it would have on communities that culturally use hookah. Barr asked Ms. Khoury about the difference between hookah and heated tobacco products. Mr. Hudgins referenced the .8% of teens consuming hookah products include middle and high school aged teens. They added that tobacco product consumption among teens are currently on a decline. Legislator Barr asked if there are non-tobacco product infused hookahs and Ms. Khoury confirmed that traditionally it is a tobacco product. Legislator Williams Johnson asked if the tobacco in hookah is already flavored, to which Ms. Khoury explained how the flavors are involved when putting together a hookah for consumption.

Mr. Jamal provided information from the perspective of convenience store owners. He shared his opinion on the negative impacts on illegal sale of tobacco products, the illegal import of products from outside of the County and the economic consequences that will be placed upon

store owners. He added that the County would lose \$1.8 million per year if they approve this flavored tobacco products ban. He finalized his remarks with suggestions to increase education on smoking cessation.

Chair Smith asked about the economic impact on the amount of employees that would also be affected. Mr. Jamal responded that there are stores that would be deeply impacted and possibly shut down as they would be limited in the services they provide to communities. Mr. Jamal emphasized that they were advocates for the law to push the minimum age purchase to 21 years old as that was a way to circumvent teens buying tobacco products. They are conscious of the impact on people's health but people should have the option to choose.

Chairwoman Borgia asked how Mr. Jamal thinks that business would survive if this ban passes and Mr. Jamal responded that it is too early to tell at the moment since it has not happened yet, however their competitors will continue to sell these products and put local businesses at a disadvantage. Chairwoman Borgia also asked how banning flavored tobacco products would increase smoking in teens and Mr. Jamal answered that underage smoking currently exists so it would be increased with the ban and increase the underground market because it won't be regulated as well as fewer people checking identification cards.

Legislator Cunzio asked Budget if their sales tax losses are accurate and what the County would do to offset that discrepancy. Mr. Medwid responded that based on a study from 2020 the impact would be approximately \$1 million and he is unsure how the County would be able to make up for that financial difference. Mr. Jamal corrected that the \$1.6 million includes excise tax as well.

Legislator Pierce asked Mr. Jamal to share what healthier products they would sell in their stores as an alternative to the flavored tobacco products being removed. She also asked if he has net results information of the impact from raising the age to 21 years old for purchase. Mr. Jamal did not have that information handy but is still in business.

Legislator Tubiolo asked if any of the sales tax revenues from flavored tobacco products go to smoking cessation programs and how would banning these products will increase illicit sales. Mr. Jamal and Mr. Holland responded that although they are not fully certain of the amount, some of the funding does go to smoking cessation programs.

Legislator Maher corrected a comment referencing Canada and the impact of flavored tobacco products ban and he also provided information as to the impact of these products sold across state borders.

Mr. Billups introduced himself and provided insight from a law enforcement perspective as well as the impact that banning flavored tobacco products would have on African American communities specifically. He emphasized that if law enforcement sees a teen or young person of color with any tobacco product, electronic or otherwise, that it would increase the possibility of stop and frisk resuming in the County. Mr. Jones added that he does not promote the consumption of tobacco products as it is unhealthy, however he feels that this bill is biased against black and brown communities as mentholated tobacco products are mainly consumed in those communities. Mr. Jones also emphasized passing this law would increase the ability of flavored tobacco products being sold outside of stores, in which case law enforcement

officers would then become involved, referencing Eric Garner as an example.

Chair Smith and Legislator Williams Johnson emphasized that enforcement is being tailored to lie on the Department of Health as opposed to law enforcement. Additionally, Chair Smith said that this item targets the sale of these products not possession of such. In closing, both Committees Chairs reiterated their gratitude to everyone for sharing their thoughts during the meeting and asked to email their remarks afterwards as well.

[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 at Department of Law; Larry Soule-Budget Director and Mark Medwid-Associate Budget Director at Budget Department; Kyle Feldman-Executive Vice President at National Convenience Distributors; Rima Khoury-Board Member at National Hookah Community Association; Chris Hudgins-Director, US Corporate & Regulatory Affairs at Advanced Inhalation Rituals; Faheem Jamal-Director of C-Store Operations at Chestnut Markets/CPD Energy Corp; Abdulmalik Deumah-Yemeni American Merchants Association; Charles Billups-Chairperson and Damon K. Jones-Member at Grand Council of Guardians, Inc.

Please see item number 2022-460 (number 1 on this agenda) for reference.

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Cunzio, seconded by Committee Vice-Chair Gashi, the Committee adjourned at 2:51pm.