

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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December 16, 2014
Start: 1:17 p.m.
Recess: 1:46 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: COREY D. JOHNSON
Chairperson

COUNCIL MEMBERS:
Maria Del Carmen Arroyo
Rosie Mendez
Mathieu Eugene
Peter A. Koo
James G. Van Bramer
Inez D. Barron
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.

[sound check]

CHAIRPERSON JOHNSON: Good afternoon.

I'm Council Member Corey Johnson, Chair of the New York City Council's Committee on Health. Today, the committee is holding a vote on Proposed Introduction No. 358-A, which will regulate social adult day care in New York City. We will also be voting on a package of legislation to regulate pet shops in New York City, and we will get to that shortly.

I want to thank Council Member Margaret Chin, Chair of the Committee on Aging for sponsoring the legislation on social adult day care programs we are voting on today, and for being a true leader in addressing this important issue. Social adult day care programs provide functionally challenged individuals with specialized services for older adults in a protective setting during the day. When operated by honest providers, these programs can be a life saver to a family. However, there are hundreds of private centers operating largely without any oversight over these services for an extremely vulnerable population. The operators of these centers are able to collect Medicaid reimbursements for each participant enrolled by recruiting seniors

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2 that do not require the level of care that social
3 adult day care programs are designed to offer. Like
4 many of my colleagues, I am greatly disturbed by the
5 growth of these facilities, and the potential for
6 Medicaid fraud or worse.

7 Under proposed Introduction 358-A,
8 programs operating in the city will be required to
9 register with the Department for the Aging, and
10 adhere to basic standards on participant eligibility,
11 program service and administration, staffing, and
12 facilities that were developed by the State to apply
13 to programs that receive direct funding from the City
14 or State. The Department of Consumer Affairs or such
15 other agency designated by the Mayor will work with
16 DFTA to issue violations for failure to register or
17 follow program standards. DFTA will appoint an
18 ombudsman to receive complaints, and investigate
19 information it has regarding programs. And will
20 refer such complaints to any managed long-term care
21 companies reimbursing such program, the New York City
22 Department of Investigation, and the State as
23 necessary. I am proud co-sponsor of this bill
24 because no one in New York City should worry whether
25 the program they have just dropped off their mom or

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2 dad is actually going to provide appropriate services
3 and a safe environment.

4 I would like to thank again Council
5 Member Margaret Chin sponsor of this legislation. I
6 would also like to thank Council Member Paul Vallone,
7 and advocates for their work on this bill and for
8 their commitment to protecting all elderly New
9 Yorkers. Lastly, I want to acknowledge my colleagues
10 on the Health Committee who have joined us, Council
11 Member Rosie Mendez, Council Member Maria Del Carmen
12 Arroyo, Council Member and Majority Leader Jimmy Van
13 Bramer, Council Member Peter Koo, Council Member
14 Mathieu Eugene, and Council Member Inez Barron. I
15 also want to thank my Legislative Director Louis
16 Cholden-Brown, the Health Committee Counsel Dan
17 Hafetz; the Policy Analyst to the Health Committee
18 Crystal Pond; Crielhien Francisco, the Finance Analyst
19 for the Health Committee for their work in preparing
20 this legislation. And also, I would like to thank
21 Legislative Counsel Kelly Taylor for all of her hard
22 work on this issue. I know that Kelly along with
23 Council Member Chin have spent many years on this
24 issue. And it has taken a lot to get us today, and
25 with that, I want to turn it over to the prime

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2 sponsor of this legislation, Council Member Margaret
3 Chin.

4 COUNCIL MEMBER CHIN: Thank you. First,
5 I would like to thank Chair Johnson, the Committee
6 Chair, for bringing this legislation finally to a
7 vote today. I would also like to thank the co-prime
8 sponsors of this legislation, Council Members
9 Johnson, Vallone, Vacca, and Council Member Arroyo.
10 In the last term, we had so many hearings about this
11 issue, and we are finally bringing legislation that
12 will bring oversight, and enforcement to all the
13 city's social adult day care centers. And this bill
14 will protect some of our most vulnerable seniors, and
15 it will protect the public funding that goes to these
16 centers.

17 Now, one of the other points of this bill
18 that in negotiation back and forth with the
19 Administration, this bill will also have civic--I
20 mean civil penalties. And it will issue through a
21 complaint-driven system. And the penalty for
22 violation of program standards will range from \$250
23 per day to \$500 per day. And failure to register
24 will result in a penalty of \$250 per day to \$1,000
25 per day. But the main thing is that all these so-

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2 called day care that we--that we saw popping up all
3 over the city in the last couple of years, we have to
4 reign them in, and we have to provide the strict
5 enforcement and regulations. Because right now the
6 State has not done their job. Until they step in,
7 the City really needs to do the regulation. So I
8 thank all of my colleagues for their support. There
9 is 47 sponsors on this legislation.

10 COUNCIL MEMBER: [off mic]

11 COUNCIL MEMBER CHIN: Huh? Well, 47. So
12 we thank you all, and we really look forward to
13 implementing this legislation. Thank you.

14 CHAIRPERSON JOHNSON: Thank you, Council
15 Member Chin. I want to--we're going to vote on all
16 of the legislation at the end. So I want to go to
17 the next four bills quickly. And then if folks want
18 to speak on any of the bills, we can do that at the
19 end. I also want to mention that we have a
20 correction on the Financial Impact Statement for
21 Social Adult Day Care, and that is going to be handed
22 out to the members of the committee.

23 So as I mentioned earlier, the committee
24 will also be voting on four bills that will regulate
25 the sale of animals and pet shops all with the common

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2 purpose of improving the welfare, health, and safety
3 of both people and companion animals in the City of
4 New York. We are joined today by Council Member
5 Elizabeth Crowley with whom I have co-sponsored all
6 four of the bills and to whom I extend my thanks for
7 her leadership on Proposed Introductions 55-A and
8 136-A. And on this issue over the years, she has
9 been a champion for animals in the New York City
10 Council. Prior to this year, New York State was the
11 only state in the country that prohibited
12 municipalities from regulating the sale of dogs and
13 cats. That changed in January when Governor Cuomo
14 signed into law legislation sponsored by my colleague
15 and friend, Assembly Member Linda Rosenthal that
16 authorized the City Council to Act.

17 The Committee first held a hearing on
18 earlier versions of these bills on April 30, 2014,
19 and then again held another hearing on November 24,
20 2014. At both hearings we heard loud and clear the
21 more a pet store owner knows about the source of cats
22 and dogs their store sells, the more likely animals
23 will come from breeders who provide a safe, caring,
24 and healthy environment. Brokers are intermediaries
25 who obtain dogs and cats from breeders and provide

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2 them to pet stores. Several witnesses at our last
3 hearing testified that brokers can be bad actors who
4 obscure the true source of an animal and provide
5 cover for puppy and kitten mills. Due to the
6 compelling testimony at our first hearing,
7 Introduction No. 55 was amended to prohibit pet shops
8 from selling dogs and cats obtained from brokers.
9 Proposed Introduction No. 55-A would require that pet
10 shops obtain any dog or cat for sale directly from a
11 breeder licensed by the USDA. The sale of rabbits
12 obtained from any source would also be prohibited.

13 The bill would prohibit pet stores from
14 obtaining cats or dogs through a breeder found by the
15 USDA to be non-compliant with the Animal Welfare Act
16 by putting their animals in immediate danger,
17 receiving multiple citations, not permitting USDA
18 inspectors to access the property recorders. Or,
19 from a breeder who has been subject to any number of
20 enforcement actions at any time during the past five
21 years. Pet shops must also be able to supply the two
22 most recent USDA inspection reports for the breeder
23 of a cat or dog, and a written statement certifying
24 information about the breeder, its USDA inspection
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2 history, the animal's health, and any medical
3 treatment the animals has received.

4 Anyone who wants to bring a cat or dog
5 into their home should know their pet was treated in
6 a humane manner. And pet store owners should be able
7 to stand behind their breeders. Proposed
8 Introduction 55-A is a major and important step
9 toward making that a reality. Additionally, Proposed
10 Introduction No. 136-A would require pet shops to
11 spay or neuter any cat or dog before releasing it to
12 a purchaser. And would further require pet shops to
13 obtain from the purchaser of a dog a completed
14 license application, and any license fees required by
15 law. This bill would help reduce a pet over-
16 population problem that is both bad for animals, and
17 a drain on the City's resources.

18 Finally, I am the prime sponsor of the
19 other two bills we're hearing today, Proposed
20 Introduction 73-A would amend the definition of pet
21 shop within the Animal Abuse Registration Act to
22 require all pet shops, including those who sell only
23 cats and/or dogs to consult the registry before
24 releasing an animal to a purchase. When the Council
25 first passed this law in December of 2013, State

1 regulated pet dealers were exempt from compliance.
2 This bill would close that loophole and expand the
3 registry to cover all pet shop sales in New York
4 City.
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6 Proposed Introduction No. 146-A would
7 prohibit a pet shop from releasing a cat or dog to a
8 purchaser unless the animal is implanted with a
9 microchip for identification. And the microchip is
10 registered with the identification information of the
11 purchaser. This bill will be a boon to the effort to
12 rescue animals that are abandoned or lost. Taken
13 together, these four bills will enable the City to
14 strengthen its shelter system, empower consumers,
15 decrease the number of unwanted litters, increase the
16 number of lost animals, return them to their owners,
17 and join the nationwide effort to keep bad actors out
18 of our pet supply chain.

19 I want to thank Assembly Member Linda
20 Rosenthal, and all of the advocates who have worked
21 so hard to get us to this point. Finally, I want to
22 acknowledge again my colleagues on the Health
23 Committee, many of whom have been co-sponsors of
24 these pieces of legislation. The folks again who are
25 here today, Council Members Rosie Mendez, Maria Del

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2 Carmen Arroyo, Majority Leader Jimmy Van Bramer,
3 Council Member Peter Koo, Council Member Mathieu
4 Eugene, and Council Member Inez Barron. I also want
5 to thank my Legislative Director, Louis Cholden-
6 Brown, and Council Member Crowley's Legislative
7 Director, Jeff Mailman; the Health Committee Counsel
8 Dan Hafetz; and Policy Analyst Crystal Pond; and our
9 Finance Analyst, Crilhien Francisco. And I would
10 especially like to thank Jeff Campagna, who is the
11 Legislative Counsel handling this package of
12 legislation. He has been on it for a long time. He
13 know more than any human being should know about pet
14 store regulations in the City of New York. And he
15 has done a tremendous job in navigating us through
16 this difficult terrain. And I'm very grateful for
17 his advice and counsel during this process.

18 I would now like to recognize my
19 colleague and the co-sponsor of today's bills, my
20 friend Council Member Elizabeth Crowley.

21 COUNCIL MEMBER CROWLEY: Thank you,
22 Chairman Corey Johnson. After years of tireless
23 work, this legislative package will make New York
24 City a national leader in animal right. New Yorkers
25 care deeply about animals, but are often presented

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2 with misleading or inaccurate information when buying
3 a pet. By prohibiting the sale of pets obtained from
4 brokers, Intro 55-A will help ensure humane treatment
5 and breeding of all New York City pets purchased, and
6 establish much needed transparency for concerned
7 consumers. Pet brokers have a long history of
8 engaging in deceptive trade practices, and they are
9 the largest players in the pet industry that
10 facilitate a system enabling puppy mills to currently
11 exist and thrive.

12 For today's committee vote, we are one
13 step closer to ensuring that pet shops have
14 verifiable and accurate information about the source-
15 -about the sources and the health of the animals they
16 sell. I want to thank Council Member Corey Johnson.
17 I want to thank my Legislative Director Jeff Mailman;
18 committee staff Daniel Hafetz, Crystal Pond, Crilhien
19 Francisco, and Jeff Campagna, and all of the
20 advocates who have worked so hard over the years to
21 make these reforms possible. I want to thank again
22 Council Member Corey Johnson for moving these much
23 needed reforms and regulations forward, and for your
24 unwavering support for animals. Thank you.

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2 CHAIRPERSON JOHNSON: Thank you, Council
3 Member Crowley. I think that's it, and I want to
4 turn it over to the Committee Clerk William Martin.

5 CLERK: William Martin, Committee Clerk
6 roll call vote Committee on Health. All items are
7 coupled. Chair Johnson.

8 CHAIRPERSON JOHNSON: I vote aye on all.

9 CLERK: Arroyo.

10 COUNCIL MEMBER ARROYO: Sorry.

11 Permission to explain my vote. Something I never do.
12 I think this is a record in the committee with the
13 number of pieces of legislation that we're passing
14 today. I want to congratulate all of my colleagues,
15 and I want to especially signal out Council Member
16 Chin for her tireless work around the social adult
17 day care issue in our city. It is an industry that
18 has grown tremendously, and has very little
19 oversight, and I think this legislation that we're
20 adopting today is going help us reign in. And at
21 least understand how many we have and where they're
22 at. We want to make sure that when any of us drop
23 off an individuals in our families who needs these
24 services that the services are going to be provided
25 by responsible providers. So Council Member Chin

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2 congratulations, and thank you for not giving up, and
3 I vote aye on all.

4 CHAIRPERSON JOHNSON: So I want to just
5 make a correction. We're going to vote first on
6 social adult day care on its own as a roll call, and
7 then separately we'll vote on the package of four pet
8 bills. So this on SADCs.

9 COUNCIL MEMBER ARROYO: I understood they
10 were coupled.

11 CHAIRPERSON JOHNSON: I apologize.

12 COUNCIL MEMBER ARROYO: Okay, so can I
13 vote aye on the rest, and--

14 CHAIRPERSON JOHNSON: So you're going to
15 vote--this is on SADCs.

16 COUNCIL MEMBER ARROYO: [interposing]
17 Aye on all. Aye on all. All of them.

18 [Pause]

19 COUNCIL MEMBER ARROYO: I'm confused.

20 CHAIRPERSON JOHNSON: That's fine.

21 COUNCIL MEMBER ARROYO: I'm confused.
22 I'm confused.

23 CHAIRPERSON JOHNSON: That's fine,
24 Council Member Arroyo. Thank you.

25 COUNCIL MEMBER ARROYO: Thank you.

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CLERK: Mendez.

[Pause]

COUNCIL MEMBER MENDEZ: Aye on one or
all? What are we doing? [sic]

CHAIRPERSON JOHNSON: [interposing] So
this is just on social adult day care. So this is--

COUNCIL MEMBER MENDEZ: [interposing]
Okay, I vote aye.

CHAIRPERSON JOHNSON: Great. Thank you.

CLERK: Eugene.

COUNCIL MEMBER EUGENE: Congratulations
to Council Member Chin, and aye. I vote aye.

CLERK: Koo.

COUNCIL MEMBER KOO: Aye.

CLERK: Van Bramer.

COUNCIL MEMBER VAN BRAMER: Aye.

CLERK: Barron.

COUNCIL MEMBER BARRON: Permission to
explain my vote.

CHAIRPERSON JOHNSON: Yes.

COUNCIL MEMBER BARRON: I would like to
commend our colleague. I think this is significant
legislation, and I think that we're setting the trend
in forcing the State to step up and do what it should

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2 have done, and has not yet done. So I commend you on
3 that, and I vote aye.

4 CLERK: Espinal.

5 COUNCIL MEMBER ESPINAL: Aye.

6 CLERK: By a vote of 8 in the
7 affirmative, 0 in the negative, and no abstentions
8 Introduction 358-A has been adopted.

9 CHAIRPERSON JOHNSON: Now, we're going to
10 go to the second roll, and just Council Member Arroyo
11 on the second roll thank you.

12 CLERK: Chair Johnson.

13 CHAIRPERSON JOHNSON: I vote aye on all.

14 CLERK: Mendez.

15 COUNCIL MEMBER MENDEZ: Aye on all.

16 CLERK: Eugene.

17 COUNCIL MEMBER EUGENE: Congratulations
18 again to Council Member Crowley and Johnson, and I
19 vote aye.

20 CLERK: Koo.

21 COUNCIL MEMBER KOO: Aye.

22 CLERK: Van Bramer.

23 COUNCIL MEMBER VAN BRAMER: Aye.

24 CLERK: Barron.
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2 COUNCIL MEMBER BARRON: I vote aye with
3 the exception of 136-A and I abstain on that.

4 CHAIRPERSON JOHNSON: Thank you.

5 COUNCIL MEMBER BARRON: Thank you.

6 CLERK: Espinal.

7 COUNCIL MEMBER ESPINAL: Aye on all.

8 CLERK: By a vote of 8 in the
9 affirmative, 0 in the negative and no abstentions all
10 items have been adopted with the exception of
11 Introduction 136-A, which has been adopted by a vote
12 of 7 in the affirmative, 0 in the negative and one
13 abstention.

14 CHAIRPERSON JOHNSON: With
15 congratulations to my colleagues, Council Member
16 Margaret Chin [pause] and Council Member Elizabeth
17 Crowley. Congratulations to both. This--the vote is
18 going to be held open for an additional 15 minutes,
19 and after that the meeting will be adjourned. Thank
20 you all very much.

21 [Pause]

22 CLERK: Continuation of roll call
23 Committee on Health, Introduction 358-A, Council
24 Member Cornegy.

25 COUNCIL MEMBER CORNEGY: I vote aye.

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2 CLERK: The final vote on Introduction
3 358-A is now 9 in the affirmative, 0 in the negative,
4 and no abstentions. On Introductions 55-A, 73-A,
5 136-A, and 146-A, Council Member Cornegy.

6 COUNCIL MEMBER CORNEGY: I also vote aye.

7 CLERK: By a vote of 9 in the
8 affirmative, 0 in the negative, and no abstentions
9 both following items are adopted with the exception
10 of Introduction 136-A, which is now adopted by a vote
11 of 8 in the affirmative, 0 in the negative, and one
12 abstention.

13 COUNCIL MEMBER CORNEGY: On behalf of
14 Chair Corey Johnson, this meeting is now adjourned?

15 [gavel]
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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 26, 2014