

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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February 2, 2011

Start: 10:45am

Recess: 11:01am

HELD AT: Council Chambers
City Hall

B E F O R E:

MARIA DEL CARMEN ARROYO
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens

Mathieu Eugene

Julissa Ferreras

Helen D. Foster

Rosie Mendez

Joel Rivera

Peter F. Vallone, Jr.

Albert Vann

Deborah L. Rose

James G. Van Bramer

CHAIRPERSON MARIA DEL CARMEN

ARROYO: We're ready? Sergeant? Ready? Wait, my gavel is broken.

[gavel]

[laughter]

CHAIRPERSON ARROYO: I like the sound of that. Good morning. My name is Maria Del Carmen Arroyo and I chair the Committee on Health. Today the Committee is conducting a vote on a Proposed Intro 332-A, sponsored by Council Member Gale Brewer, who could not be with us this morning.

This legislation would restrict smoking in park property, including parks, beaches, marinas, boardwalks, pools, recreation centers and pedestrian plazas. Is that better? Violators of the law, this law would be subject to a \$50 fine enforced by the Department of Parks and Recreation enforcement officers. The Committee previously heard testimony on this legislation on October 14th, 2010. What we heard from advocates, medical professionals and other concerned members of the public. Despite tremendous strides, there is still nearly 1 million smokers in New York

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2 City, and a recent study found that an additional
3 2.5 million people have been exposed to a high
4 level of secondhand smoke that they have
5 measurable residue in their body. This figure is
6 higher than the national average, despite the fact
7 that our city has the lower smoking rate in the
8 nation.

9 Furthermore, several studies
10 conducted in locations as diverse as parks,
11 outdoor cafes, and bars, airports, college
12 campuses, and even a cruise ship, and an amusement
13 park have concluded that outdoor tobacco smoke
14 levels are high where people are smoking and in
15 some instances, may be even equal to secondhand
16 smoke levels indoors. According to the United
17 States Surgeon General, there is no acceptable
18 level of secondhand smoke. Secondhand smoke has a
19 similar level of impact on the cardiovascular
20 system to chronic active smoking. In cases it
21 causes heart disease and increases the risk of
22 death from heart disease by 30%. Secondhand smoke
23 has also been proven to cause lung cancer in non-
24 smokers and can exacerbate asthma in children and
25 adults. Exposure of pregnant women to secondhand

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2 smoke have been shown to cause premature delivery
3 and low birth weight babies.

4 In voting for this measure, New
5 York City will be joining more than 470
6 municipalities across 42 states that have already
7 restricted smoking in parks, another 100
8 municipalities in 16 states that have restricted
9 smoking in beaches. I would like to thank the
10 staff of both the parks and the Health Committee
11 for their hard work and before I ask the clerk to
12 call the vote, I want to recognize my colleagues
13 from the Health Committee who are joining us, from
14 my extreme right: Peter Vallone, Council Member
15 Vallone from Queens; Council Member Debbie Rose
16 from Staten Island; to my extreme left, no
17 negative connotation here, Council Member Mendez
18 from Manhattan, Council Member Vann from Brooklyn,
19 Council Member Ferreras from Queens, Council
20 Member Mathieu from Brooklyn and Council Member
21 Van Bramer from Queens. [laughter] I got that
22 right. If you can call the vote please? Oh that's
23 who that is sitting there. Hi.

24 [laughter]

25 KEVIN PIN: Kevin Pin, Committee

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Clerk, roll call on the Committee on Health.

Council Member Arroyo?

CHAIRPERSON ARROYO: Yes.

KEVIN PIN: Vallone?

COUNCIL MEMBER VALLONE: May I be excused to explain my vote?

CHAIRPERSON ARROYO: Yes.

COUNCIL MEMBER VALLONE: Thank you, Madam Chair. First let me say that I support the goals of the Mayor and the Speaker regarding this bill. They're laudable ones. I wrote the Trans Fats Bill, banning trans fats. I've supported every anti-smoking bill. I'm looking right now to get fluoride out of our water. So this is something that is—I really support the goals of the Mayor and the Speaker. However, I'm very disappointed that my compromise bill, which would have banned smoking on a vast majority of our beaches and parks, isn't the one that we're voting on today. Smoking sections indoors don't work. We tried that. We know that. It's like having a no urinating section in a pool. Don't work. But outdoors, they could work. And that's why I put my compromise bill in, which had a great deal of

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2 support here at the City Council. I'd much rather
3 be voting on that bill right now, but I'm not
4 because the Speaker chose to move this bill
5 instead, so I'm going to vote yes to allow this
6 out of committee continue to gain support for my
7 compromise right up until the time of the stated
8 vote this afternoon. So, thank you Madam Chair.

9 KEVIN PIN: Vann?

10 COUNCIL MEMBER VANN: Aye.

11 KEVIN PIN: Mendez?

12 COUNCIL MEMBER MENDEZ: Permission
13 to explain my vote?

14 CHAIRPERSON ARROYO: Granted.

15 COUNCIL MEMBER MENDEZ: Thank you,
16 Madam Chair. I think today's weather is perfect
17 to vote on this bill because today we are going
18 down a slippery slope to where is the fine line
19 and a balance of when we legislate on people's
20 personal habits. Although I firmly understand the
21 negative health consequences of secondhand smoke
22 in enclosed places and share the opinion that
23 smoking is very ill-advised, a very ill-advised
24 personal decision that all too many New Yorkers
25 have made over the years, I believe that

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2 previously introduced legislation is overly broad.
3 Because outdoor spaces is effected by that
4 legislation are so public and generally very open,
5 banning smoking so comprehensively I believe
6 infringes on the civil liberties of people who
7 choose to smoke. The city is rife with both
8 public annoyances and social vices, but living in
9 New York and embracing its open culture requires
10 accommodation and compromise. It is our
11 legislative responsibility to carefully balance
12 the prohibitions we impose on a free people with
13 the social benefits that we believe would result.
14 I believe we should have taken more time with this
15 bill to work through some compromises and to allow
16 New Yorkers to be able to have non-smoking areas
17 as well as smoking areas. I vote no. Thank you.

18 KEVIN PIN: Eugene?

19 COUNCIL MEMBER EUGENE: I vote aye.

20 KEVIN PIN: Ferreras?

21 COUNCIL MEMBER FERRERAS: I vote
22 aye.

23 KEVIN PIN: Rose?

24 COUNCIL MEMBER ROSE: Madam Chair
25 can I explain my vote?

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CHAIRPERSON ARROYO: Yes,

COUNCIL MEMBER ROSE: I don't

really want to make a separate comment, but I want to second Council Member Mendez's remarks as the Civil Rights chair. I wrestled with my vote for a very long time up until this morning about whether or not we're crossing a line in terms of people's personal freedoms and the fact that you know, my hope is that we eventually don't push smokers like into little opium dens, where they have to smoke in secret and it becomes something that's just illegal and so, with that, I want to ditto Council Member Mendez's remarks and I will vote aye only because of the health ramifications that it has on all New Yorkers. Thank you.

KEVIN PIN: Van Bramer?

COUNCIL MEMBER VAN BRAMER: Aye.

KEVIN PIN: By vote of seven in the affirmative, one in the negative and zero abstentions, all items have been adopted. Members please sign the Committee report.

CHAIRPERSON ARROYO: Thank you and we will keep the vote open given the weather and the challenge that we're all confronting getting

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2 here for I think 15 minutes and we'll see where
3 our colleagues at and we'll make a call then.

4 Thank you.

5 [long pause]

6 [background noise]

7 KEVIN PIN: Dickens? [pause]

8 Dickens?

9 COUNCIL MEMBER DICKENS: Permission
10 to explain my vote? I'm going to vote yes for this
11 piece of legislation on a smoking ban because of
12 the high incidence of asthma that effects my
13 community; however, I do have concern about how
14 this will impact on the freedom of all of my
15 constituents, so I do have concern, but I am going
16 to vote yes. Aye.

17 [long pause]

18 KEVIN PIN: Final vote in the
19 Committee on Health, eight in the affirmative, one
20 in the negative and zero abstentions.

21 CHAIRPERSON ARROYO: Meeting
22 adjourned.

23 [gavel]

24 KEVIN PIN: Foster?

25 COUNCIL MEMBER FOSTER: Yes.

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KEVIN PIN: Final vote in the
Committee on Health, nine in the affirmative, one
in the negative and zero abstentions.

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

Kimberley Uhlig

Date

February 8, 2011