

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

-----X

August 16, 2011
Start: 12:00 pm
Recess: n/a

HELD AT: Council Chambers
City Hall

B E F O R E:
DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:
Charles Barron
Leroy G. Comrie, Jr.
Julissa Ferreras

CHAIRPERSON GARODNICK: Good

afternoon, everybody and welcome to the Committee on Consumer Affairs. Today's date is August 16th, 2011. My name is Dan Garodnick. I have the privilege of chairing this Committee. I'm joined today by Council Member Leroy Comrie, Council Member Charles Barron, Council Member Julissa Ferreras, Council Member Ruben Wills. On today's agenda we're going to be voting on Intro 541-A, which is a bill that is introduced by Council Member Wills that would prohibit individuals, partnerships, firms, joint ventures, corporations or associations from selling or offering for sale any expired over the counter medication.

The New York State General Business Law currently prohibits the sale of expired over the counter medication by retailers with the State Attorney General's Office, rather than any city agency providing enforcement. New York City's Consumer Protection Law does not provide the Department of Consumer Affairs with unequivocal authority to enforce the sale of expired non-prescription medication as a deceptive practice; thus, consumers are currently left unprotected

1
2 when expired over the counter medication is sold
3 or offered for sale by individuals at flea
4 markets, bodegas and other venues. Intro 541-A
5 would provide unequivocal authority to the
6 Department of Consumer Affairs and to the New York
7 City Police Department to enforce a ban on expired
8 over the counter medication. That's the Intro and
9 I want to give Council Member Wills an opportunity
10 to comment on his bill. After that, we'll see if
11 there are any other comments and then we will move
12 to a vote. Council Member Wills?

13 COUNCIL MEMBER WILLS: Thank you.
14 Good morning. I would like to thank Chair Council
15 Member Garodnick for the opportunity to have this
16 bill voted on. This bill is very important as it
17 goes to protection of those who look for flea
18 markets and other venues as an adequate place or a
19 different place to buy over the counter
20 medications. These medications expired and pose a
21 health problem--anytime you have something like
22 Nyquil or extra strength Tylenol--anything that
23 deals with the sinuses that is expired, people
24 usually take more than the dose that is necessary,
25 which could lead to something that could be tragic

1
2 later on, especially for young people. I
3 appreciate the Chair for allowing this vote to go
4 forward. Thank you.

5 CHAIRPERSON LEVIN: Thank you,
6 Council Member Wills, for introducing this and now
7 I'll see if there are any other comments. Seeing
8 none, I'm going to ask the counsel to call the
9 roll and the Chair is recommending an aye vote.

10 COMMITTEE CLERK: Kevin Pin,
11 Committee Clerk, roll call in the Committee on
12 Consumer Affairs Intro 541-A. Council Member
13 Garodnick?

14 COUNCIL MEMBER GARODNICK: Aye.

15 COMMITTEE CLERK: Barron?

16 COUNCIL MEMBER BARRON: Aye.

17 COMMITTEE CLERK: Comrie?

18 COUNCIL MEMBER COMRIE: Aye.

19 COMMITTEE CLERK: Ferreras?

20 COUNCIL MEMBER FERRERAS: Aye.

21 COMMITTEE CLERK: By a vote of four
22 in the affirmative, zero in the negative and no
23 abstentions, the item has been adopted. Members,
24 please sign the Committee report.

25 CHAIRPERSON GARODNICK: Thank you

1

2

very much. With that, we're pleased that this

3

bill moves to the full Council and this Committee

4

meeting is now adjourned. Thank you.

5

[gavel]

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 8/26/11