

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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October 13, 2009

Start: 1:30pm

Recess:

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Inez E. Dickens
Mathieu Eugene
Helen D. Foster
John C. Liu
Rosie Mendez
Helen Sears
Kendall Stewart
Albert Vann

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2 CHAIRMAN RIVERA: Good afternoon
3 ladies and gentlemen. My name is Joe Rivera. I
4 am the Chair of the City Council's Health
5 Committee. Today the Committee is meeting to vote
6 on a piece of legislation that I am a proud
7 sponsor of, proposed Intro 43-A would prohibit the
8 sale of certain flavored tobacco products and make
9 technical amendments to the administrative code.

10 As we all know, the use of any type
11 of tobacco products comes at incredibly high costs
12 to both the individual and to our society. Cigars
13 and smokeless tobacco both calls oral and other
14 cancers as well as various other diseases. Thus
15 it is critical that we continue to strive to find
16 ways to educe tobacco use in New York City.

17 While surveys show that there has
18 been an overall decline in the number of young
19 smokers in the city, the decrease in the smoking
20 rates for cigars than the it is for cigarettes.
21 And the use of smokeless tobacco has actually
22 increased in recent years. Thousands of young
23 people in New York smoke cigars and use smokeless
24 tobacco products. Experts fear that the
25 proliferation of tobacco products with flavors of

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2 chocolate, vanilla, alcohol and fruits threaten
3 the advances in tobacco prevention that have been
4 made.

5 Flavored tobacco products are
6 attracted to youth, while generally drawn to
7 sweeter and more intense flavors than adults. The
8 flavor reduces the harshness of the tobacco and
9 can make the taste more appealing to new smokers.
10 Anything that makes starting to use tobacco easier
11 is problematic since initiating smoking at an
12 early age can increase the likelihood that an
13 individual will become addicted and can make
14 quitting that much more difficult.

15 Before we begin with today's vote,
16 let me just introduce my colleagues who are here
17 with us. We have to my left we have Councilwoman
18 Helen Sears, Council Member Mathieu Eugene and
19 Council Member Kendall Stewart, Council Member
20 Inez Dickens, Council Member Maria del Carmen
21 Arroyo and then we have to my right Council Member
22 Rosie Mendez, Council Member Al Vann and Council
23 Member Helen Foster. So at this point in time I'm
24 going to be asking for the clerk to call the roll.

25 I just want to specifically thank

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2 Adira, the counsel to the committee, Joseph, which
3 is our policy analyst and Rocco, who is our
4 financial analyst for their hard work on this
5 particular piece of legislation.

6 At this point, the Chair recommends
7 an aye vote and can the clerk please call the
8 roll.

9 CLERK: William Martin, committee
10 clerk, roll call on the Committee on Health,
11 Introduce 433-A, Council Member Rivera.

12 CHAIRMAN RIVERA: I vote aye.

13 CLERK: Foster.

14 COUNCIL MEMBER FOSTER: Aye.

15 CLERK: Sears.

16 COUNCIL MEMBER SEARS: I'm here. I
17 just wanted to make a comment before my vote if I
18 may. I just wanted to say that I had received
19 some phone calls against this bill, which really
20 surprised me and I think you know from whence they
21 came, shall remain anonymous. But I do think it's
22 outrageous that anyone would even think of calling
23 anybody to vote against this bill. That is so
24 outrageous.

25 I've seen all that stuff with the

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2 flavors and even with the cigarettes and cigars.
3 Of course, they're targeting all the young people.
4 I vote yes on this and I think it's shameful that
5 anybody would really think of supporting the
6 tobacco industry. Thank you.

7 CHAIRMAN RIVERA: Thank you.

8 CLERK: Stewart.

9 COUNCIL MEMBER STEWART: May I be
10 excused to explain my vote?

11 CHAIRMAN RIVERA: Yes.

12 COUNCIL MEMBER STEWART: I feel
13 having heard both sides of this bill. Although I
14 don't prescribe to the fact that this selling of
15 flavored tobacco and cigarettes is gearing towards
16 children, I feel to ban it completely to me seems
17 to be going all out against a product, against the
18 businesses that deal with this. I'm not too sure
19 that we are correct on this. The fact is we have
20 all called that the flavored and being treated in
21 the same form that is bad for children, for people
22 and we have not seek to really ban completely
23 alcohol that are flavored or even other products
24 that we see that might be out there that might be
25 affecting children.

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But we appear to be going after tobacco and cigarettes in a way so harsh to me that the people who may have a choice, who wanted to have a choice, adults who wanted to have that choice, even though they know it's bad for them, you're taking away that choice. I'm not too sure that we are doing exactly the right thing in terms of making this a complete ban on all flavored cigarettes or flavored tobacco. I'm not too sure about that.

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I think we need to at least examine this a little bit more. I'm not too sure that we can pass this in terms of if there is a lawsuit filed against this. At this time I will abstain.

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CHAIRMAN RIVERA: Thank you.

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CLERK: Vann.

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COUNCIL MEMBER VANN: Explain my vote. I imagine inadvertently my name was left off; I was a co-sponsor. I know that will be corrected. For the record I wanted to know I was a co-sponsor and I vote aye.

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CHAIRMAN RIVERA: Okay, perfect.

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Duly noted, definitely will be.

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CLERK: Arroyo.

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2 COUNCIL MEMBER ARROYO: Mr. Chair,
3 a moment to explain my vote. I want to take a
4 moment to congratulate the young people who bought
5 this issue to our attention. A handful of young
6 people participating with the Point, an
7 organization in my district that does incredible
8 work. Had it not been for their advocacy and
9 their requests for us to take action as a Council
10 on this issue, probably would have taken a lot
11 longer for us to talk about it.

12 I want to congratulate them for
13 their work. I want to thank you Mr. Chair, for
14 taking this legislation and running with it. It
15 took us a little while to get it done but I'm
16 happy to vote yes.

17 CLERK: Dickens.

18 COUNCIL MEMBER DICKENS: Yes.

19 CLERK: Mendez.

20 COUNCIL MEMBER MENDEZ: Aye.

21 CLERK: Eugene.

22 COUNCIL MEMBER EUGENE: Yes.

23 CLERK: By a vote of eight in the
24 affirmative, zero in the negative and one
25 abstention, item is adopted. Council Members

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please sign the committee report.

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CHAIRMAN RIVERA: We're going to

keep the vote open for about another 15 - 20

members to allowed members to come in and vote as

well. I just want to state for the record also

that the revenue division of the City Council also

helped out tremendously in a fiscal forecast of

this particular bill.

Again, I want to thank the revenue

division, Rocco, Joseph and Adira as well for

their hard work on this bill. And to all the

advocates on both sides of this bill, I want to

thank everybody for their participation. Thank

you very much.

COUNCIL MEMBER STEWART: I thought

it was banned completely. It's only banned where

children have access to.

CHAIRMAN RIVERA: Oh yes, yes.

COUNCIL MEMBER STEWART: Nobody

explained that to me. Want to do it now? Yeah,

go ahead.

CLERK: Roll call on Committee on

Health. Council Member Stewart.

COUNCIL MEMBER STEWART: I want to

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change my vote and vote yes.

CLERK: Current vote on
Introduction 433-A now stands at nine in the
affirmative, zero in the negative, no abstentions.

CLERK: Roll call on the Committee
on Health Council Member Liu.

COUNCIL MEMBER LIU: I vote yes.

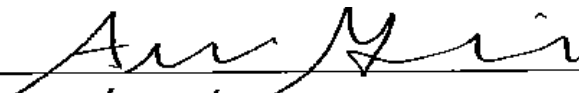
CLERK: Final vote on the Committee
on Health is now ten in the affirmative, zero in
the negative and no abstentions, thank you.

CHAIRMAN RIVERA: So now we are
going to officially close today's hearing. Thank
you very much for everyone who participated.
Thank you.

C E R T I F I C A T E

I, Amber Gibson, 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

A handwritten signature in cursive script, appearing to read "Amber Gibson", written over a horizontal line.

Date October 22, 2009