

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HEALTH

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November 25, 2019
Start: 11:19 a.m.
Recess: 11:31 a.m.

HELD AT: 250 BROADWAY - COMMITTEE ROOM
16TH FL

B E F O R E: MARK LEVINE
Chairperon

COUNCIL MEMBERS: Alicka Ampry-Samuel
Inez D. Barron
Andrew Cohen
Mathieu Eugene
Robert F. Holden
Keith Powers

A P P E A R A N C E S (CONTINUED)

2 (sound check) (pause) (gavel)

3 CHAIRPERSON LEVINE: Good morning

4 everyone. Welcome to this meeting of the New York
5 City Council Health Committee. I'm Mark Levine,
6 Chair. I'm pleased that we are joined by fellow
7 Health Committee Members Council Member Alicka Ampry-
8 Samuel, Keith Powers, and Bob Holden. Today we're
9 going to be considering Intro 1362-A, which will
10 ensure that our city finally, belatedly address a
11 health crisis which this country has been ignoring
12 over more than four years since this epidemic started
13 to mount. This country did nothing when electronic
14 cigarettes that looked like really cool flash drives
15 started to emerge on stores in the city and around
16 the country. This country and the city did nothing
17 when flavors like mango and mints and cotton candy
18 and berry crush vaping products and all sorts of
19 minty candy, fruity sounding flavors began to appear
20 on the shelves of the city. We did nothing when the
21 estimated number of young people vaping reached 3.5
22 million last year or when it reached close to 5
23 million earlier this year. This is a failing at
24 every level of government including and especially at
25 the federal level the most grotesque recent example

2 being when the Trump Administration after some grand
3 promises did a total 180, and as recently as last
4 week has made it clear they are taking no action.
5 Most sources cite the intense lobbying pressure of
6 the vaping industry as the reason for their
7 turnaround. So, in that context I am just incredibly
8 proud that in New York City we are taking action.
9 We're taking action against the flavored E-product,
10 E-cigarette products, which are hooking kids by
11 enacting this law. I want to make it clear that we
12 have listened intensely, attentively to adult smokers
13 who have told us that they rely on e-cigarettes, and
14 it's partly for that reason that we are going to
15 continue to allow the sale of vaping devices of
16 tobacco flavored e-cigarettes, but ultimately I'm not
17 shy about saying that our priority is the health of
18 kids, and while the estimated percent of adults who
19 vape is about three percent, one quarter of high
20 schoolers in the past year have vaped, one quarter,
21 one tenth of middle schoolers have vaped. So, there's
22 just no doubt that this is predominantly a phenomena
23 of young people who have been ensnared in addiction a
24 whole generation of young people who are now in the
25 grips of nicotine addiction because we waited four

2 years to reign this in, and I'm proud that we are
3 doing so today in the New York City Council, and I
4 want to encourage all my colleagues to vote in favor
5 of this—of this intro 1362-A, and, um, unless there
6 are any comments, I'm going to ask Billy Martin our
7 Committee Clerk to call the roll

8 CLERK: Roll call vote Committee on
9 Health, Introduction 1362-A, Chair Levine.

10 CHAIRPERSON LEVINE: I vote aye.

11 CLERK: Ampry-Samuel.

12 COUNCIL MEMBER AMPRY-SAMUEL: Permission
13 to explain my vote quickly.

14 CLERK: Yes.

15 COUNCIL MEMBER AMPRY-SAMUEL: Um, first I
16 want to say congratulations on such a meaningful bill
17 to the Chair and everyone else who was involved. On
18 Friday in my district office one of my community
19 association presidents came to see me to pick up
20 turkeys, and, um, she said that she was late because
21 she was at is at Mairmonides Hospital with her nephew
22 who, um, who's a very young man and his lungs
23 collapsed, and they collapsed because of vaping, and
24 he, um, the entire family is, um, you know, right now
25 just trying to come to grips of what's happening.

2 He's on a ventilator, and, um, you know, these are
3 stories that you hear about them, of course, in the
4 media, but you, um, sometimes folks don't really
5 recognize how close to home it hits with families and
6 friends. Um, and constituents, and so, um, again
7 congratulations. This is very serious across the
8 entire country, and I'm glad that we're doing
9 something in the city and, um, so my-my vote today
10 is, um, is with my colleagues, and also just thinking
11 about, um, Ms. Scarborough and her family today and
12 praying for her nephew who is at Mairmonides. So with
13 that, I vote aye.

14 CLERK: Holden.

15 COUNCIL MEMBER HOLDEN: I vote aye.

16 CLERK: Powers.

17 COUNCIL MEMBER POWERS: Permission to
18 explain my vote, please.

19 CHAIRPERSON LEVINE: Yes.

20 COUNCIL MEMBER POWERS: Thank you, um,
21 thank you. While I-I join Council Member Ampry-
22 Samuel in both well wishes towards Ms. Scarborough
23 and, um, and also in terms of the seriousness of this
24 issue, but I'll say it is very rare and it's not
25 often we get to vote on legislation that will

2 directly impact somebody's life today, and also be
3 preventative to saving people's lives in the future
4 or at the minimum minimizing risks of exposure the
5 many individuals have either by vaping or smoking,
6 um, or similar activities. This is a vote where we
7 get to actually do that. We get to actually prevent
8 folks from vaping or taking up similar activity
9 today, and we get to save somebody's life I think
10 both now and in the future. I want to congratulate
11 Council Member Levine. I know he's been working at
12 this for a year and plus and I know myself and
13 colleagues have heard from a number of folks and
14 groups and invested those—invested in industry as
15 well about concerns about this bill. That to me just
16 tells you how much and how important it actually is,
17 is that we are up against some Goliaths here. What
18 we're doing today is actually, um, helping out young
19 New Yorkers, but actually adult New Yorkers as well,
20 and I think that with the emergence of e-cigarettes
21 and vaping it has—we have—we have appropriately
22 stigmatized smoking in this country, but I think
23 vaping is still a new industry that people are
24 treating with—with—with, um, without the similar
25 harms or risks of smoking, and I think, uh, uh, we

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2 will find out the repercussions of that in years
3 ahead. I think today is a for against that by
4 preventing, um, individuals from some very dangerous
5 behavior or potentially dangerous behavior. So,
6 congratulations to Council Member Levine, and thank
7 you to my colleagues for sponsoring this, and I
8 proudly vote aye.

9 CHAIRPERSON LEVINE: Thank you so much,
10 Council Member Powers, and we've now been joined by
11 fellow committee member Council Member Cohen.

12 CLERK: Council Member Cohen.

13 COUNCIL MEMBER COHEN: I vote aye.

14 CLERK: By a vote of 5 in the affirmative,
15 0 in the negative and no abstentions, the item has
16 been adopted by the committee. [pause]

17 CHAIRPERSON LEVINE: Okay, well, if-if
18 possible, leave the vote open for a few minutes.
19 Thank you. [pause]

20 CLERK: Continuation roll call Committee
21 on Health. Council Member Eugene.

22 COUNCIL MEMBER EUGENE: Yes, I vote aye.
23 Thank you very much.

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2 CHAIRPERSON LEVINE: Okay, thank you
3 Council Member Eugene, thank you to my colleagues,
4 and we're going to close out this hearing.

5 COUNCIL MEMBER BARRON: Wait, wait.

6 CHAIRPERSON LEVINE: Oh, we are so
7 thrilled. Right on time, Council Member. Okay we've
8 been joined by Council Member Inez Barron, and I'll
9 ask our Committee Clerk to register her vote as well.

10 CLERK: Council Member Barron,
11 Introduction 1362-A.

12 COUNCIL MEMBER BARRON: [off mic] I vote
13 aye. [on mic] I vote aye. Thank you so much.

14 CLERK: The final vote on this item is
15 now 7 in the affirmative, 0 in the negative and no
16 abstentions.

17 CHAIRPERSON LEVINE: Alright, unanimous
18 votes. That's what we like. Thank you. [gavel] Thank
19 you. Alright.

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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 13, 2019