

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NASSAU COUNTY LEGISLATURE

RICHARD NICOLELLO,
Presiding Officer

HEALTH AND SOCIAL SERVICES COMMITTEE

ROSE MARIE WALKER,
Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 7, 2018
3:52 P.M

1

2 A P P E A R A N C E S:3 ROSE MARIE WALKER,
4 Chairwoman5 JAMES KENNEDY,
6 Vice Chairman

7 LAURA SCHAEFER

8 C. WILLIAM GAYLOR, III

9 DELIA DeRIGGI-WHITTON,
10 Ranking

11 ARNOLD DRUCKER

12 JOSHUA LAFAZAN

13 MICHAEL PULITZER,
14 Clerk of the Legislature

15

16

17

18

19

20

21

22

23

24

25

1

2

LIST OF SPEAKERS

3

4 SHANNON QUINBY.....6

5 PHIL KONISBERG.....9

6 MICHAEL SIELBACK.....12

7 PHYLLIS GOLDSTEIN (by Eileen Miller).....14

8 EILEEN MILLER.....16

9 CAROL MESCHKOW.....18

10 META MEREDAY.....21

11 MARYELLEN LAURAIN.....26

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Health Committee/5-7-18

2 CHAIRWOMAN WALKER: At this time
3 I'll call the Health and Social Services
4 Committee to order. I will ask the clerk to
5 please take the roll.

6 CLERK PULITZER: Legislator
7 Joshua Lafazan?

8 LEGISLATOR LAFAZAN: Here.

9 CLERK PULITZER: Legislator
10 Arnold Drucker?

11 LEGISLATOR DRUCKER: Here.

12 CLERK PULITZER: Ranking Member
13 Delia DeRiggi-Whitton?

14 LEGISLATOR DERIGGI-WHITTON:
15 Here.

16 CLERK PULITZER: Legislator C.
17 William Gaylor III?

18 LEGISLATOR GAYLOR: Here.

19 CLERK PULITZER: Legislator
20 Laura Schaefer?

21 LEGISLATOR SCHAEFER: Here.

22 CLERK PULITZER: Vice Chairman
23 Kennedy?

24 LEGISLATOR KENNEDY: Here.

25 CLERK PULITZER: Chairwoman

1 Health Committee/5-7-18

2 Rosemarie Walker?

3 CHAIRWOMAN WALKER: Here.

4 CLERK PULITZER: We have a
5 quorum.

6 CHAIRWOMAN WALKER: Thank you.
7 Just before we start the committee, I just
8 want to take a minute to thank Eileen Krieb
9 and Brian Schneider, Brian Nugent, certainly
10 Dr. Eisenstein, Jerry Guiliano, and all your
11 staff for making this weekend which was
12 marathon weekend such a big success. I'm
13 sure you're exhausted today and glad the
14 weekend is behind you. It was a first for
15 many of you and it was a big success. I
16 hope that event very close to my heart. So
17 thank you again for all you did.

18 And, certainly, being that it's
19 Health Committee, that's a lot of exercise,
20 God bless them I was tired just watching
21 them run. Thank you again for all you did.

22 We have two items on the agenda.
23 The first being Clerk Item 173-18, which is
24 a local law to amend the Nassau County
25 administrative code in relation to the

1 Health Committee/5-7-18
2 prohibiting of the sale of age restricted
3 products to individuals under the age of 21.

4 Motion, please.

5 LEGISLATOR KENNEDY: So moved.

6 LEGISLATOR DRUCKER: Second.

7 CHAIRWOMAN WALKER: Motion by
8 Legislator Kennedy, seconded by Legislator
9 Drucker. Do we have anyone to speak on
10 this? We do have a lot of speakers. We
11 first, I apologize if I say anyone's name
12 wrong, and thank you for sitting and being
13 so patient. Shannon Quinby.

14 MS. QUINBY: Good afternoon.
15 Thank you for the opportunity to speak in
16 support of the Nassau County Legislature's
17 proposed bill to restrict sales of all
18 tobacco products including electronic
19 cigarettes to those over the age of 21.

20 With youth smoking rates at 8.8
21 percent in New York, the rates fell below
22 the national average in the past decade.
23 The national average is 10.8 percent for
24 youth smoking.

25 However, this progress is being

1 Health Committee/5-7-18
2 threatened by an emerging epidemic.
3 Widespread teenage use of electronic
4 cigarettes. Introduced as a less harmful
5 alternative to smoking and to help adult
6 smokers quit, E cigarettes have steadily
7 gained popularity and vaping is on the rise.

8 Regrettably, the biggest rise we
9 have seen is among youth. More than 25
10 percent of all middle school and high school
11 students have tried an E cigarette.

12 One in six high school students
13 report having used them in the past month
14 and the annual monitoring the future study
15 out of the University of Michigan reports
16 that youth trends of 19 percent of high
17 school seniors, 16 percent of tenth graders
18 and eight percent of eighth graders said
19 they have vaped nicotine products in the
20 past year.

21 One of the brands of E cigarettes
22 that have recently garnered extensive media
23 attention is called Juul, J-U-U-L. Juul is
24 so popular with teens and so distinctive
25 that kids have termed the use Juuling.

1 Health Committee/5-7-18

2 Despite its popularity, many kids
3 say that they're unaware that Juul contains
4 nicotine.

5 Juul is the fastest growing and
6 top selling E cigarette in the US and now
7 holds over 50 percent of the E cigarette
8 market.

9 Juul looks like a sleek pen, or a
10 flash drive and is easily concealed in the
11 palm of your hand. Color pods come in
12 flavors, candy flavors, fruit flavors and
13 emit a minimal odor.

14 Each Juul pod contains the same
15 amount of nicotine as a whole pack of
16 cigarettes.

17 Kids say Juul is very easy to
18 get, through friends or by walking into a
19 retailer. They report using it in the
20 bathroom, at school, classrooms, and in
21 their bedrooms at home.

22 No amount of nicotine is safe for
23 youth. The adolescent brain is still
24 developing and is uniquely sensitive to the
25 effects of nicotine.

1 Health Committee/5-7-18

2 Raising the minimum legal sale of
3 age of Tobacco 21 is a prevention policy.
4 It is growing nationwide. It will
5 significantly reduce the number of
6 adolescents and young adults who start
7 smoking.

8 The tobacco industry have always
9 targeted youths and always have. We know
10 these predatory marketing tactics are
11 aggressive and adaptive.

12 The role E cigarettes can play in
13 backfilling the progress New York has made
14 and extending or expanding the tobacco
15 epidemic can no longer be ignored.

16 Thank you for considering this
17 bill and for your commitment to preserving
18 the health and future of Nassau's youth.
19 Thank you.

20 CHAIRWOMAN WALKER: Mr. Konisberg,
21 would you like to go next?

22 MR. KONISBERG: Good afternoon.
23 My name is a Phil Konisberg. I've been at
24 tobacco control and smoke free advocate for
25 30 years. I live in Northeast Queens County

1 Health Committee/5-7-18

2 and I appreciate the opportunity to address
3 members of the Health Services Committee of
4 the Nassau County Legislature.

5 Several venues within the state
6 of New York have already passed Tobacco 21
7 bills, including four right here in Nassau
8 County.

9 First was the Town of North
10 Hempstead, followed by village of Baxter
11 Estates, Port Washington north, and most
12 recently the city of Long Beach.

13 I hope that after today's Rules
14 Committee public hearing and the Full Nassau
15 Legislative meeting on May 23, Nassau County
16 will pass a T-21 bill that will provide a
17 uniform legal minimum legal sale age of 21
18 for the purchase of tobacco products
19 stretching from Montauk Point to the east,
20 all the way to the Delaware River on west,
21 and will be the catalyst to those who
22 represent us in Albany to pass a statewide
23 T-21 bill by June.

24 The Phillip Morris document dated
25 January 21st, 1986 explains why the tobacco

1 Health Committee/5-7-18

2 industry is desperate to prevent the
3 increasing trend of raising the minimum
4 purchase age to 21.

5 The document proclaims raising
6 the legal minimum age for cigarette smoker
7 to 21 could gut our key young adult market
8 17 to 20 where we sell about 25 billion
9 cigarettes and enjoy a 70 percent market
10 share.

11 2001 published report indicates
12 that 90 percent of persons buying cigarettes
13 for minors are in this age group. If the
14 minimum age is raised to 21, then there will
15 be paradigm shift of how teens, especially
16 16 to 19 year olds get their cigarettes.

17 Clearly, those who are age 21 are
18 in different social circles and are either
19 in their junior year of college or been
20 employed for three years and generally don't
21 associate with 16 to 19 year olds. I'm
22 running out of time.

23 So every one heard I assume heard
24 about Senator Schumer looking for federal
25 FDA regulation, we need to take action here

1 Health Committee/5-7-18
2 in Nassau County, hopefully it will go
3 across the county. Thank you for your time.

4 CHAIRWOMAN WALKER: Thank you,
5 Mr. Konisberg. Michael Seilback.

6 MR. SEILBACK: Thank you very
7 much. My name is Michael Seilback and I'm
8 the vice president of public policy and
9 communications for the northeast region of
10 the American Lung Association.

11 I want to start off by saying
12 that the American Lung Association strongly
13 supports increasing the minimum sales age
14 for all tobacco products to 21.

15 It's good for me to be back here
16 in Nassau County because we started
17 discussing the Tobacco 21 back in 2014.

18 Legislator Judy Jacobs
19 passionately discussed the issue and the
20 first hand heartache she endured seeing her
21 beloved husband Sid lose his life after 40
22 years of smoking.

23 Since that time we made a lot of
24 progress on this issue. We seen five states
25 in Washington DC pass Tobacco 21 laws. 19

1 Health Committee/5-7-18

2 localities across the state have passed it,
3 as you heard, including New York City and
4 Suffolk.

5 In fact 13.2 million New Yorkers
6 are currently covered by Tobacco 21 laws
7 including some of the villages that you've
8 heard about today. But, far too many Nassau
9 County residents do not have that
10 protection.

11 We know that 95 percent of
12 smokers start before they turn the age of
13 21. As Bill mentioned, many youth get their
14 tobacco products from social sources, those
15 of them that are older.

16 By increasing the smoking age we
17 know it's going to be harder for our kids to
18 get those products.

19 A 2015 report by the National
20 Academy of Medicine really laid this out and
21 what the benefits would be for increasing
22 the sales age. It said that we can prevent
23 223,000 deaths among people born between
24 2000 and 2019, including 50,000 fewer lung
25 cancer deaths.

1 Health Committee/5-7-18

2 The report found that the tobacco
3 use can decrease by 12 percent in today's
4 teenagers. This is something that we know
5 will have a profound effect. And it's
6 actually good politics. There is strong
7 support for these laws.

8 Nationally, 75 percent of
9 Americans support it and right here in the
10 New York State 72 percent including in both
11 cases smokers support raising the age to 21.

12 The people of Nassau County have
13 waited long enough so please pass this
14 important law. Thank you.

15 CHAIRWOMAN WALKER: Thank you.
16 Phyllis Goldstein.

17 MS. MILLER: My name is Eileen
18 Miller. I'm reading for Phyllis Goldstein
19 who had to leave.

20 Thank you for the opportunity to
21 speak. Her name is a Phyllis Goldstein.
22 She's a member of the Board of Directors at
23 north shore towers which borders the Queens
24 Nassau borderline.

25 It's an 844 unit co-op with 844

1 Health Committee/5-7-18
2 units of properties. The co-op went
3 completely smoke free in all interior of the
4 three buildings on January 1st, 2017.

5 That includes apartments,
6 terraces and balconies and all common areas
7 inside and out except for the golf course
8 and certain designated smoking areas away
9 from the buildings.

10 Many of her neighbors and fellow
11 shareholders including her started smoking
12 very early at a very young age in their
13 teens. They thought it was sophisticated.
14 They were plied upon with cigarette ads in
15 print and in the TV, as a matter of fact, TV
16 personalities and newsmen smoked on camera.

17 They took up smoking as well
18 because it was the cool thing to do. Who
19 knew?

20 Today smoking is out, from
21 cigarettes to cigarettes ads, no smoking on
22 TV films, no smoking on all indoor
23 workplaces and some outdoor public venues,
24 no smoking in New York City public housing,
25 no smoking in front of the building.

1 Health Committee/5-7-18

2 It took a long, long time, it's
3 grown into maturity, it took education to
4 learn about the evils of smoking.

5 You now have the ability to help
6 young people today to grow and mature for a
7 few years and perhaps, they too, will learn
8 the evils of smoking.

9 Please pass this legislation.
10 Raising the minimum age to 21 for purchasing
11 tobacco products. There is no downside to
12 doing it. Thank you for your time. That
13 was Phyllis Goldstein. Thank you.

14 CHAIRWOMAN WALKER: Eileen
15 Miller.

16 MS. MILLER: My name is Eileen
17 Miller and I'm an adult nurse practitioner.

18 I have seen the devastation
19 cigarette smoke has done to the human body.
20 Smoking is the biggest cause of preventable
21 illness killing more than 480,000 Americans
22 every single year.

23 Cigarette smoke contains hundreds
24 of chemicals including formaldehyde,
25 benzene, vinylchloride, arsenic, ammonia,

1 Health Committee/5-7-18

2 hydrogen, cyanide and of course nicotine.
3 Just to name a few.

4 According to the Centers For
5 Disease Control, nine out of every ten lung
6 cancers are smoke related and caused by
7 cigarette smoke.

8 In September 2016, NBC news
9 reported that compelling evidence that
10 smoking has a long lasting effect on our
11 molecular machinery.

12 The DNA is the cells instruction
13 manual that controls cells normal growth.
14 When the DNA is damaged, the cell can begin
15 growing out of control and can create a
16 cancerous tumor. Why would we subject our
17 youth to such a hazard?

18 Currently in New York in Queens,
19 your sister community, we have gone to every
20 community board, 13 out of 14 have made
21 resolutions for smoke free housing in our
22 communities.

23 Please support the bill to raise
24 the age to 21. Give these young adults more
25 time to consider their options from such a

1 Health Committee/5-7-18

2 hazardous habit. Thank you so much for your
3 time.

4 CHAIRWOMAN WALKER: Thank you,
5 Eileen. Carol Meschkow.

6 MS. MESCHKOW: Good afternoon,
7 Chairwoman and members of the committee.
8 I'm Carol Meschkow, manager for the Tobacco
9 Action Coalition of Long Island, one of 25
10 community grants funded by New York State
11 Department of Health Tobacco Control
12 Program, our grant holder I'm happy to say
13 is the Lung Association.

14 My esteemed colleagues have said
15 many points and I don't want to repeat them
16 so I'm just going to give you a few
17 educational bullets and fire them off.

18 I think number one and most
19 important one, it is worth reiterating,
20 approximately 96 percent of all smokers
21 began before the age of 21.

22 Alarmingly, the Surgeon General
23 called smoking a pediatric epidemic. Each
24 day 3,200 youth in the US under the age of
25 18 become daily smokers or as the tobacco

1 Health Committee/5-7-18

2 lobby calls them, replacement smokers.

3 Approximately one third will die
4 prematurely from smoking. Tobacco companies
5 place most of their advertising in stores
6 where 75 percent of teens shop at least once
7 per week.

8 With stores located near schools
9 containing nearly three times the amount of
10 tobacco advertising, raising the purchase
11 age will keep the sale out of the reach of
12 high school students.

13 Also the perception among many of
14 our youth who see E cigarette marketing
15 which you heard about earlier is that they
16 are either not harmful or less harmful than
17 cigarettes.

18 A statement from the FDA
19 Commissioner Scott Gottlieb, MD, a new
20 enforcement, using a new tobacco prevention
21 program to stop use of access to Juul E
22 cigarettes, he said, protecting our nation's
23 use from the dangers of tobacco products is
24 among the most important responsibilities of
25 the USFDA and it's an obligation I take

1 Health Committee/5-7-18

2 personally.

3 According to the CDC, E
4 cigarettes between now, 2011, 2015,
5 increased nearly ten times for high
6 schoolers.

7 The military leaders also
8 recognize the toll tobaccos takes on troop
9 readiness and on the military healthcare
10 system and are actively taking steps to
11 reduce tobacco use.

12 The Department of Defense
13 estimates that 175,000 current active duty
14 service members will die from smoking unless
15 they are able to quit.

16 After Hawaii rose its tobacco age
17 sale to 21, the military bases opted to
18 comply with the higher age in recognition of
19 its benefits to readiness.

20 As you heard, several of our
21 local municipalities have already, along
22 with five states have passed legislation.

23 The bottom line is, if current
24 trends continue, 5.6 million of today's
25 youth will die prematurely from a smoking

1 Health Committee/5-7-18

2 related illness.

3 Again, 95 percent of all the
4 smokers start by the age of 21.

5 Thank you all so much for
6 offering these salient educational points.
7 I appreciate your time. May I just turn in
8 my full unabridged speech?

9 CHAIRWOMAN WALKER: Sure. Hand
10 it right in. Any other members have
11 anything to add?

12 MS. MEREDAY: Meta Mereday. As a
13 911 first responder, and never having been a
14 smoker, I can definitely speak first hand to
15 the health challenges that one faces with
16 regard to that.

17 I was told 12 years ago that
18 fortunately that I was never -- the fact
19 that I was never a smoker is the reason I'm
20 still standing here because I still have
21 COPD, RADS, and related illnesses because of
22 my exposure in 911 and I think I probably
23 breathed in the list that one of the
24 previous speakers addressed and probably ten
25 other items that I can't even spell. I'm

1 Health Committee/5-7-18

2 definitely in support of this.

3 I'm hoping that there are some
4 regulations or teeth that will be put behind
5 this so that it has strong enforceability.
6 This could be an opportunity again as well
7 for education for our young people to kind
8 of down play the attractiveness of this
9 whole vaping and E cig scenario.

10 Just having the law, just having
11 it on the books isn't enough. We have to
12 work together and we have to work
13 collectively to try to address this and to
14 counteract this return to what seems to be a
15 perceived sexiness to some form of
16 cigarettes.

17 I am in support of this and I'm
18 hoping that this is not again something for
19 all of you to be able to take a photo and
20 add it to your websites or Facebook pages
21 but we can actually make some real change
22 happen so we can protect our young people
23 who really represent our future. Thank you.

24 CHAIRWOMAN WALKER: Legislator
25 Drucker.

1 Health Committee/5-7-18

2 LEGISLATOR DRUCKER: Thank you,
3 Madam Chairwoman. First thing I want to say
4 is, Judy Jacobs is probably looking down
5 upon us today and saying, it's about time.
6 This is something she championed four years
7 ago, and although I'm personally gratified
8 and encouraged that the Republican majority
9 has seen fit to put this bill on the
10 calendar today, I introduced it a year ago
11 the exact same bill.

12 I was carrying on a legacy of
13 Judy Jacobs when I first took office and my
14 bill never got anywhere. It's kind of
15 shameful that Judy did not live long enough
16 to see this bill get passed. It's something
17 that should have been passed years ago.

18 The statistics that have been
19 thrown out today that 96 percent of all
20 smokers start in their teens, that's all you
21 need to know. This bill is a life saver.
22 It's about saving lives.

23 It took us a long time to get
24 here. I'm glad we're here. It is
25 encouraging but I'm just sad that Judy

1 Health Committee/5-7-18

2 didn't live long enough to see it.

3 Thank you and let's get this bill
4 passed.

5 CHAIRWOMAN WALKER: Thank you,
6 Legislator Drucker, and I do believe she's
7 smiling down on us today. I think a big
8 push to finally move this forward is this
9 whole vaping issue. When you listen to
10 parents tell us and nurses tell us that you
11 have 12 year olds on school buses being
12 offered to vape on the bus it shocks me
13 because my little oldest grandson is going
14 to turn ten in August and to me he's still a
15 baby. I can't even fathom that when he goes
16 in the middle school that that's what's
17 being offered, even to elementary school
18 kids. I know she's smiling down and we did
19 get this far finally.

20 LEGISLATOR DRUCKER: I do want to
21 say that the vaping is a horrible epidemic
22 going on now, but the fact remains is that
23 cigarette smoking, the statistics aren't in
24 yet on what the vaping is going to lead to,
25 in terms of ultimate cigarette smoking and

1 Health Committee/5-7-18

2 hazards and lung cancer and all the other
3 illnesses that are evident from that, but
4 the point is we've known for years and years
5 and years how important it is to effectuate
6 and enact legislation to prevent from some
7 of these teenagers from picking up that
8 nasty habit.

9 Vaping is terrible but the fact
10 remains, cigarette smoking itself, that is
11 something that we could have prevented.
12 Think of how many lives could have been
13 saved since Judy Jacobs first introduced
14 that bill four years ago. A lot of lives,
15 thousands of lives you heard the statistics,
16 they could be living today if that bill had
17 been passed.

18 That's what saddens me but in the
19 long run I am happy it's on the agenda
20 today. Thank you.

21 CHAIRWOMAN WALKER: Any other
22 legislators have any comments?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

1 Health Committee/5-7-18

2 All those in favor signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The bill moves forward. Thank
8 you every one for coming out today.

9 The second item is Clerk Item
10 204-18 which is an ordinance supplemental to
11 the annual appropriation ordinance in
12 connection with the Department of Health.

13 Can I have a motion?

14 LEGISLATOR KENNEDY: So moved.

15 LEGISLATOR LAFAZAN: Second.

16 CHAIRWOMAN WALKER: Moved by
17 Legislator Kennedy, seconded by Legislator
18 Lafazan. We have MaryEllen Laurain.

19 MS. LAURAIN: Good afternoon.

20 MaryEllen Laurain, Department of Health.

21 Item 204-18 is a supplemental appropriation
22 in the amount of \$294,343. This is for our
23 Adolescent Tobacco Use Prevention Act. It's
24 100 percent funded through the New York
25 State Department of Health. The department

1 Health Committee/5-7-18
2 conducts certification checks on tobacco
3 vendors and also does sting operations to
4 comply with youth under the age of 18 which
5 is state law.

6 CHAIRWOMAN WALKER: Any questions
7 for Ms. Laurain from the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor signify by
12 saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 That also will move on to the
17 Finance Committee.

18 Again, I just want to thank all
19 those who made this weekends a success and I
20 was negligent in not thanking our police
21 department for all they did to keep everyone
22 safe this weekend.

23 Can I have a motion to adjourn?

24 LEGISLATOR SCHAEFER: So moved.

25 LEGISLATOR DRUCKER: Second.

1 Health Committee/5-7-18

2 CHAIRWOMAN WALKER: Moved by
3 Legislator Schaefer, seconded by Legislator
4 Drucker. All those in favor of adjourning
5 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The next committee is Finance.

10 (Whereupon, the Health and Social
11 Services Committee adjourned at 4:18 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and
Notary Public in and for the State of New
York, do hereby stated:

THAT I attended at the time and place
above mentioned and took stenographic record
of the proceedings in the above-entitled
matter;

THAT the foregoing transcript is a true
and accurate transcript of the same and the
whole thereof, according to the best of my
ability and belief.

IN WITNESS WHEREOF, I have hereunto set
my hand this 24th day of May, 2018.

FRANK GRAY