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6 NASSAU COUNTY LEGISLATURE

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8 RICHARD NICOLELLO

9 PRESIDING OFFICER

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11 HEALTH AND SOCIAL SERVICES

12 COMMITTEE

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14 LEGISLATOR ROSE MARIE WALKER

15 CHAIR

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18 Theodore Roosevelt Building

19 1550 Franklin Avenue

20 Mineola, New York

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23 April 21, 2021

24 4:36 P.M.

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2 A P P E A R A N C E S:

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4 LEGISLATOR ROSE MARIE WALKER

5 Chair

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7 LEGISLATOR JAMES KENNEDY

8 Vice Chair

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10 LEGISLATOR LAURA SCHAEFER

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12 LEGISLATOR C. WILLIAM GAYLOR

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14 LEGISLATOR DELIA DERIGGI-WHITTON

15 Ranking member

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17 LEGISLATOR ARNOLD DRUCKER

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19 LEGISLATOR JOSHUA LAFAZAN

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2 LEGISLATOR WALKER: Call the
3 Health and Social Services Committee to order
4 and ask the clerk to please take the roll.

5 MR. PULITZER: Thank you Madam
6 Chairwoman. Health and Social Services roll
7 call. Legislator Joshua Lafazan.

8 LEGISLATOR LAFAZAN: Here.

9 MR. PULITZER: Legislator Arnold
10 Drucker.

11 LEGISLATOR DRUCKER: Here.

12 MR. PULITZER: Ranking Member
13 Delia DeRiggi-Whitton.

14 LEGISLATOR DERIGGI-WHITTON:
15 Here.

16 MR. PULITZER: Legislator C.
17 William Gaylor the third.

18 LEGISLATOR GAYLOR: Present.

19 MR. PULITZER: Legislator Laura
20 Schaefer.

21 LEGISLATOR SCHAEFER: Here.

22 MR. PULITZER: Vice Chairman
23 James Kennedy.

24 LEGISLATOR KENNEDY: Here.

25 MR. PULITZER: Chairwoman Rose

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2 Marie Walker.

3 LEGISLATOR WALKER: Here.

4 MR. PULITZER: We have a quorum
5 ma'am.

6 LEGISLATOR WALKER: Thank you
7 very much. Including the addendum, there are
8 two items on the agenda which are clerk items
9 93-21, which is on the regular agenda, and
10 clerk item 147-21, which is on the addendum.

11 I'm going to ask first for a motion
12 to suspend the rules by Legislator Schaefer.
13 Seconded by Legislator Kennedy. All those in
14 favor of suspending the rules please say aye.
15 Any opposed? Rules are suspended.

16 So, let's start with clerk item
17 93-21, which is a local law to amend the
18 county administrative code in relation to
19 prohibiting the sale of electronic aerosol
20 delivery systems or components or parts within
21 1,000 linear feet of a school, public park or
22 playground.

23 May I have a motion please. By
24 Legislator Kennedy. Seconded by Legislator
25 Drucker. So, this item is before us.

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2 Just a little bit about this item.

3 The Nassau County Legislature has work
4 tirelessly to keep electronic aerosol delivery
5 systems such as e-cigarettes and JOOLS out of
6 the hands of minors under the age of 20.
7 Unanimously this body has approved legislation
8 that prohibited their sales to individuals
9 under the age of 21. Limited their
10 advertising and display, the ban of sales of
11 e-cigarettes and liquid nicotine products
12 which are marketed towards minors.

13 This proposed local law prohibits
14 businesses from selling electronic aerosol
15 delivery systems or components or parts in any
16 building that is less than 1,000 linear feet
17 from a property improved with a school, public
18 park or playground. If a business falls into
19 this category it has until October 1, 2021 to
20 cease and desist operating in this manner.
21 The penalty for first violation range between
22 \$300 and \$1,000 and between \$500 to \$15,000
23 for a second violation.

24 If enacted this legislation will
25 further ensure that e-cigarettes, JOOLS and

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2 other electronic aerosol delivery systems will
3 stay out of the hands of Nassau County's young
4 people.

5 Do any of the other legislators
6 have anything to add? Legislator Kennedy.

7 LEGISLATOR KENNEDY: Thank you
8 Legislator Walker. I'd just like to say as it
9 has been said earlier, Dr. Reynolds had
10 mentioned, the key is our children, we have to
11 do everything we can in our power. And this
12 is an additional step we're taking here today
13 and I anticipate that we will have everybody
14 on board with this. It's an additional step
15 to make sure that our children are safe. Just
16 one more thing that we can do.

17 As Legislator Walker said, we have
18 done many things over the past couple of years
19 and this will be one more thing and just to
20 make sure that our children are safe and
21 everybody is aware of what it is that is out
22 there and make it a little bit better for our
23 kids. Thank you.

24 LEGISLATOR WALKER: Any other
25 legislators have anything to add? Legislator

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2 DeRiggi-Whitton.

3 LEGISLATOR DERIGGI-WHITTON:

4 Thank you Legislator Walker. I support this.
5 I'm just thinking, do we know how many stores
6 fall into this categories of being so close to
7 schools? I'm just wondering what's going to
8 happen if they have to close or move with the
9 expense? Once again, I totally understand not
10 having them near a school. Are we prohibited
11 from restricting this type of business after
12 it's already been in place for a while and the
13 zoning allows for it?

14 LEGISLATOR WALKER: I don't know
15 how many it affects. A thousand feet, 1,000
16 linear feet, I'm trying to --

17 LEGISLATOR DERIGGI-WHITTON: I'm
18 trying to do that too. It's probably --

19 LEGISLATOR WALKER: I'm thinking
20 of the length of a 25 yard pool which would
21 be --

22 LEGISLATOR DERIGGI-WHITTON: It's
23 like three football fields. Again, I
24 definitely support it. But I'm just hoping
25 that we're not going to be held responsible

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2 financially if a business does belong to that
3 category and has the proper permits and has
4 the zoning for us to come in now and ban it.
5 I'm not sure what the answer is. But I guess
6 we're protected under this law now that we can
7 put that type of regulation in?

8 LEGISLATOR WALKER: One of the
9 things which we did say is they do have until
10 October to comply. I would hope that if it
11 involves some of these stores that they might
12 think of something else maybe that they can do
13 in their stores. I would hope -- I hate to
14 see us destroy businesses in the process but
15 hopefully it won't affect many.

16 I'm trying to think where in the
17 communities I represent where a lot of these
18 vape shops and things are, most of them I can
19 think of off the top of my head are not
20 located close to a school or a park but I
21 couldn't swear how many there are or how close
22 that footage is.

23 LEGISLATOR DERIGGI-WHITTON: I
24 think that in Glen Cove there might be one
25 near the park and it's not directly in the

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2 park but if you leave the parking lot I think
3 it's within that.

4 So, again, whatever we can do to
5 prevent kids from smoking anything is
6 important. And believe me, I have kids and I
7 support that. But I'm just thinking to
8 myself. I don't know if the county attorney
9 has any kind of opinion as to whether or
10 not -- if a store is already established and
11 has the zoning and the permits can we later
12 come in and prohibit what they're selling?

13 LEGISLATOR SCHAEFER: We also
14 banned the sale of flavored vapes if you
15 remember not too long ago.

16 LEGISLATOR DERIGGI-WHITTON: I
17 remember the flavored vapes. But they can
18 exist without the flavored vapes. Like they
19 can just adjust their inventory. Again, it's
20 not the item itself. It's just whether or not
21 we have the right to restrict something after
22 a business has been in existence for so long.
23 I know of one in Glen Cove that isn't going to
24 be happy. Do we know if the county attorney
25 weighed in on this at all?

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2 MS. HORST: Katy Horst from the
3 administration. I'm not sure but we can ask
4 him to weigh in before the full leg.

5 LEGISLATOR WALKER: I was just
6 going to say that. We haven't heard anything
7 but we can certainly reach out. I know
8 Legislator Drucker also -- were you finished
9 Legislator DeRiggi-Whitton?

10 LEGISLATOR DERIGGI-WHITTON:
11 Yeah. Again, it's not that I don't support
12 it. I just want to make sure that they're
13 comfortable with the idea because right now
14 it's vaping. I'm so torn because I want to
15 protect the kids but I also don't like
16 changing the rules for a business after
17 they've been established especially in an
18 area. I'd appreciate that opinion. Thank you
19 Katy. And I'm fine with passing it through.

20 LEGISLATOR WALKER: Legislator
21 Drucker.

22 LEGISLATOR DRUCKER: Thank you
23 Madam Chairwoman. I would just like to weigh
24 in on what Legislator Schaefer said. We
25 passed legislation prohibiting the sale of

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2 fruit flavored vapes and that affected a lot
3 of businesses. And I certainly, since I
4 sponsored that legislation, received a lot of
5 push back from local businesses.

6 But the governing municipality has
7 the authority to pass laws that affect public
8 health and this is public health. Of course,
9 I defer to the county attorney but I can't
10 imagine why we would be prohibited from
11 passing legislation that really affects the
12 health of our children and adults.

13 LEGISLATOR DERIGGI-WHITTON: I
14 agree. I have had these conversation with the
15 business owners of why you're going to allow a
16 liquor store anywhere near these -- you know.
17 I just want to make sure that we're doing it,
18 we have the blessing from the county
19 attorney.

20 LEGISLATOR WALKER: I have to
21 agree with you Legislator Drucker. I do
22 believe we're all on the same page. I know we
23 want to do what's best for our children and
24 the health and safety of them.

25 Any other legislators have any

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2 comments? Any public comment? Seeing none,
3 hearing none on this, all in favor signify by
4 saying aye. Any opposed? So, this will move
5 on to the Rules Committee.

6 We did have one other, which is on
7 our addendum, which is an ordinance. It's
8 item 147-21. An ordinance supplemental to
9 annual appropriation ordinance in connection
10 the Department of Human Services.

11 A motion please. I thought we did
12 it together but that's okay. We can do it
13 again. Did we do it together? We'll just do
14 it again. Legislator Schaefer and seconded by
15 Legislator Drucker.

16 MR. HALL: Brian Hall, Human
17 Services. This is a supplemental
18 appropriation grant 100 percent money from the
19 Office of Family and Children and the
20 department uses it for the youth programs for
21 the three towns and two cities.

22 LEGISLATOR WALKER: Are there any
23 questions from the legislators for Mr. Hall?
24 Any public comment? Hearing none, all those
25 in favor of clerk item 147-21 signify by

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2 saying aye. Any opposed? This will move on.
3 This carries will move on also to Finance.

4 MR. HALL: Thank you.

5 LEGISLATOR WALKER: You're very
6 welcome and thank you. There are no other
7 items before us. May I have a motion to
8 adjourn. By Legislator Schaefer. Seconded by
9 Legislator Drucker. All in favor of
10 adjourning signify by saying aye. Any
11 opposed? Next committee is Finance.

12 (Committee adjourned at 4:47 p.m.)

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CERTIFICATION

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

THAT the foregoing is a true and
accurate transcript of my stenographic
notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 20th day of
April 2021

FRANK GRAY