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HEALTH COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Health Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, June 1, 2017 at 2:00 p.m.

MEMBERS PRESENT:

Legislator William Spencer - Chairman
Legislator Bridget Fleming - Vice-Chair
Legislator Robert Calarco
Legislator Thomas Cilmi
Legislator Leslie Kennedy
Legislator Monica Martinez
Legislator Robert Trotta

ALSO IN ATTENDANCE:

George Nolan - Counsel/Suffolk County Legislature
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
Craig Freas - Budget Review Office
Elizabeth Alexander - Aide to Legislator Spencer
Liz Sutton - Aide to Legislator Fleming
Alyssa Turano - Aide to Legislator Hahn
Chris DeLuca - Aide to Legislator Cilmi
Ali Nazir - Aide to Legislator Kennedy
Jennifer Culp - Assistant to Commissioner of Health Services
John Marafino - County Executive Assistant
Katie Horst - County Executive's Office
Imran Ansari - County Executive's Office
Jennifer Culp - Assistant to Commissioner of Health Services.
Phyllis Seidman - County Attorney's Office
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(**The meeting was called to order at 2:04 p.m.**)

1
2
3 **CHAIRMAN SPENCER:**

4 Good afternoon. Thank you very much. It's now after 2:00, we're
5 going to begin the Health Committee. Please stand for the salute
6 to the flag to be led by Legislator Cilmi.

7
8 ***Salutation***

9
02:04PM 10 Please remain standing for a moment of silence for the victims of
11 the tragedy in Manchester, the heinous terrorist attack; also for
12 all the men and women that are serving this country, both at home
13 and abroad.

14
15 ***Moment of Silence Observed***

16
17 So at this point we are at the public portion. I don't have any
18 cards. Madam Clerk, do you have any cards?

19
02:05PM 20 **MS. ELLIS:**

21 No, sir.

22
23 **CHAIRMAN SPENCER:**

24 Seeing that there's no cards, we'll close the public portion.

25
26 There's no correspondence today and there's no presentations,
27 so we'll move onto our agenda.

28
29 ***Tabled Resolutions***

02:05PM 30
31 First is -- the Tabled Resolution is 1326 has been withdrawn, that
32 was an appointment. ***1326 withdrawn***

33
34 ***Introductory Resolutions***

35
36 So we'll move onto our Introductory Resolution, and that is
37 ***1379, that is Accepting and appropriating 100% Federal pass-through***
38 ***grant funds from the United Way of Long Island in the amount of***
39 ***\$36,295 for the Ryan White Part A Medical Case Management ("MCM")***
02:06PM 40 ***administered by the Suffolk County Department of Health Services,***
41 ***Division of Patient Care and to execute grant related agreements.***
42 ***(Co. Exec.)***

43
44 **LEG. KENNEDY:**

45 Motion.

46
47 **D.P.O. CALARCO:**

48 Motion to approve and place on Consent.

49
02:06PM 50 **CHAIRMAN SPENCER:**

51 Motion to approve and place on the Consent Calendar by Legislator
52 Calarco, seconded by Legislator Fleming. All those in favor?
53 Opposed? Abstentions? Motion is approved. ***Approved and Placed on***
54 ***the Consent Calendar (VOTE: 7-0-0-0).***

1 **IR 1380, Accepting and appropriating 100% State grant funds from**
2 **the New York State Department of Health in the amount of \$331,711**
3 **for the Tobacco Enforcement Program - ATUPA administered by the**
4 **Suffolk County Department of Health Services, Division of**
5 **Preventive Medicine and to execute grant related agreements.**

6 (Co. Exec.) Same motion, same second. But on the motion, before we
7 take the vote, this is still relating to the Tobacco Enforcement
8 Program. And I have Jen Culp here from the Department of Health
9 and would like her to come forward at this time, and just if you
02:07PM 10 could update us on the program and kind of where we stand and just
11 how these funds are being handled and future years, what are we
12 looking at.
13

14 **MS. CULP:**

15 Sure. Good afternoon. Jen Culp from the Health Department. ATUPA
16 is the Adolescent Tobacco Use Prevention Act, it's a New York State
17 law that was enacted in 1992. Enforcement is delegated to the
18 local Health Departments, so we have our Tobacco Enforcement Unit
19 made up of five individuals, one Senior Health Public Sanitarian,
02:08PM 20 three Public Health Sanitarians and one Clerk Typist. The majority
21 of their focus is making regular visits to businesses that sell
22 tobacco products throughout the County of Suffolk to ensure
23 compliance with public health laws. These compliant visits often
24 include staging where a minor comes with us and attempts to
25 purchase the product. Last year we had a 95% compliance rate, we
26 visited over 1,500 businesses and 95% of the time the youth were
27 not able to purchase the product, so that was a really great sign
28 and that's been pretty consistent throughout the year. So it's a
29 strong program and it's proven to be effective in keeping tobacco
02:09PM 30 products out of the hands of minors.
31

32 This unit also enforces the Clean Indoor Air Act, so that prohibits
33 smoking in most indoor -- all indoor public areas and workplaces.
34 That's on a complaint basis; in 2016 we had about 50 indoor --
35 Clean Indoor Air Act complaints that we investigated.
36

37 **CHAIRMAN SPENCER:**

38 Jen, have -- with that enforcement, I know one of the issues was
39 seeing an uptick in the adolescent population because of the vaping
02:09PM 40 shops and e-cigarettes and those sorts of things.
41

42 And I also understand that there is some confusion amongst some
43 retailers as far as that they won't sell traditional tobacco
44 products to minors, but they don't understand that this includes
45 the liquid nicotine and the electronic products. Have -- did you
46 run into any confusion there and the enforcement actions that you
47 saw with the stores?
48

49 **MS. CULP:**

02:10PM 50 So we do, you know, try and do the compliance checks for the
51 nontraditional products as well. Recently, we partnered with the
52 Police Department regarding complaints in certain areas, so we've
53 gone out and done compliance checks with the PD. We do -- if we
54 see a vape shop opening or we notice that someone is selling
55 e-cigarettes or other type of products, we certainly make sure
56 they're aware of the public health law surrounding it.

1 Legislator Cilmi recently introduced and had legislation passed
2 that will now require registration of those businesses that are
3 selling e-cigarette products, so we'll be able to make sure we are
4 doing compliance checks at all those businesses. Up until now we
5 were going on either a complaint basis or while our sanitarians
6 were in the fields, if they noticed the shop, they would make a
7 stop in and make sure they had the proper signage and also, you
8 know, would do the compliance check if necessary. So it's
9 certainly getting better.

02:11PM 10

11 Suffolk County also has the Vendor Education Program that the
12 businesses are required to attend once every three years, so they
13 certainly get a good education and receive updated information
14 about New York State and County laws and what's required of them
15 and the public health reason behind it.

16
17 **CHAIRMAN SPENCER:**

18 I'm seeing a lot of push now Statewide, but recently I was at an
19 event in Nassau County where they are looking to move forward with
20 the Tobacco 21 legislation. From your point of view, I know one of
21 the -- the issues with that legislation was the retail side saying
22 that it was going to have a substantial impact. In your
23 enforcement, one, have you seen differences in terms of compliance
24 where -- in that range for 20 to 21-year-olds, or do they seem to
25 be complying with the law? And have we seen any evidence of
26 economic stress or burdens on the stores in terms of complying with
27 this law?

02:11PM 20

28
29 **MS. CULP:**

30 From what the sanitarians who enforce the law, I think the raising
31 of the age has, you know, in a sense made it almost easier because
32 under the New York State law you should be asking for proof of
33 identification if you look under the age of 25. So it's certainly
34 easier to say, *Oh, you know, well, this person* -- you know, the age
35 from 18 to 21 to 25, so it has been a little easier to say, *Come*
36 *on, this person certainly does not look 21*, if they did make that
37 sale. And, no, we haven't heard anything about business being
38 harmed by that.

02:12PM 30

39
40 **CHAIRMAN SPENCER:**

41 Thank you so much. I have a couple of questions, but I do
42 appreciate with the Tobacco 21 legislation, and now with Tom
43 Cilmi's bill that's really helping to help us keep our kids safe.
44 It's great to see that we can kind of set an example Statewide in
45 this Legislature, and I'm still getting feedback that we took the
46 step forward to do that.

02:13PM 40

47
48 **MS. CULP:**

49 Uh-huh.

02:13PM 50

51 **CHAIRMAN SPENCER:**

52 And it is working, it's making a difference, and we haven't seen
53 the negative concerns come to fruition. Legislator Trotta then
54 Legislator Cilmi.

1 **LEG. TROTТА:**
2 So you checked 1,500 establishments; is that what you said, 1,500?

3
4 **MS. CULP:**
5 Yes, annually.

6
7 **LEG. TROTТА:**
8 So 75 of them sold -- sold cigarettes.

9
02:14PM 10 **MS. CULP:**
11 Sure.

12
13 **LEG. TROTТА:**
14 Okay. Now, how much are we fining them?

15
16 **MS. CULP:**
17 The fines are set under the New York State law, so it's, I want to
18 say, and I'm not a 100% sure, I want to say it's up to \$2,000. And
19 then -- but what really is the kind of tick -- stickler for the
02:14PM 20 businesses is that will -- can get points, which effects their
21 ability to sell lottery tickets which is a big moneymaker for the
22 businesses, and also they can have their tobacco license pulled so
23 they wouldn't be able to sell the product going forward.

24
25 **LEG. TROTТА:**
26 Does the State get the revenue or do we?

27
28 **MS. CULP:**
29 We do. In 2016 we collected \$38,750, but this was ATUPA, the Clean
02:14PM 30 Indoor Air Act and some Sanitary Code violations; I don't have it
31 broken down by just ATUPA.

32
33 **LEG. TROTТА:**
34 I'm like Mr. non-fee, but can we raise this fee, or is it a State
35 thing?

36
37 **MS. CULP:**
38 I believe the State caps it, but certainly I can look at that.

39
02:15PM 40 **MR. FREAS:**
41 I believe the Clean Indoor Air Act is a Local Law, but most of the
42 tobacco stuff is State.

43
44 **LEG. TROTТА:**
45 So we can't raise it, the State has to raise it, as far as we know.

46
47 **MR. FREAS:**
48 If it's their fine, yes.

49
02:15PM 50 **MS. CULP:**
51 I think the State does it, yeah.

52
53 **MR. FREAS:**
54 Or if the fine's set by -- by State law.

1 **LEG. TROTТА:**
2 Is that really at 38,000 plus?

3
4 **MS. CULP:**
5 That was 38,000 for the whole enforcement programs, that wasn't
6 just ATUPA. It looks like, according to the Tobacco Policy Center,
7 the first time violations carry a fine between 300 and \$1,000,
8 subsequent violations range from 500 to 1,500 and then up to 2500.

9
02:15PM 10 **LEG. TROTТА:**
11 So you don't know how many were second time violations?

12
13 **MS. CULP:**
14 No, I can look into that.

15
16 **LEG. TROTТА:**
17 Do you have a time period, like is it ever or like within a
18 two-year period? Or -- all right, don't worry about it.

19
02:16PM 20 **MS. CULP:**
21 I can look into that.

22
23 **LEG. TROTТА:**
24 Let me know if we can raise those funds.

25
26 **CHAIRMAN SPENCER:**
27 Well, in the legislation, or at least on the Tobacco 21 side, we
28 did pass, I guess, the penalties that were associated with it.

29
02:16PM 30 **MS. CULP:**
31 Uh-huh.

32
33 **MR. FREAS:**
34 Definitely.

35
36 **CHAIRMAN SPENCER:**
37 So I know at least on that side we should have Craig and I'm
38 curious to hear from George.

39
02:16PM 40 **MR. FREAS:**
41 Right, Tobacco 21 we should be able to change those fees as well if
42 they were created by Local Law.

43
44 **LEG. TROTТА:**
45 That's what we're checking, the 1,500 was Tobacco 21, right, the
46 1,500.

47
48 **MS. CULP:**
49 Right. Well, it's ATUPA so it's selling to minors, and because
02:16PM 50 Suffolk County's law is 21, then --

51
52 **LEG. TROTТА:**
53 So we put a fee -- I remember, I thought we put like a \$500 fee,
54 wasn't it?

1 **MR. NOLAN:**

2 I can't open up my computer right now, but I know there was a fine
3 that is imposed by the Department of Health Services, and certainly
4 under our Local Laws we can increase penalties.

5
6 **LEG. TROTТА:**

7 Okay.

8
9 **CHAIRMAN SPENCER:**

10 Legislator Cilmi.

11
12 **LEG. CILMI:**

13 Thanks, Mr. Chairman. Jen, thanks for the testimony and for your
14 good work. Just was curious to know how that registration is going
15 for the -- for the ends dealers.

16
17 **MS. CULP:**

18 It seems to be moving along. The letters were sent out by the
19 Department of Consumer Affairs and our Sanitarians have noted that
20 when they are out in the field they're getting questions, so
21 they've been -- they have copies of letters directing them where to
22 complete the registration and get their certificates. So we'll be
23 working closely with Consumer Affairs on the enforcement angle of
24 it to make sure they are registered and that we're getting that
25 list so we can do our annual compliance checks.

26
27 **LEG. CILMI:**

28 Right. Any idea how many have registered to date?

29
30 **MS. CULP:**

31 I do not know, I can check with --

32
33 **LEG. CILMI:**

34 Perhaps you can look into it and let me know. Thank you.

35
36 **CHAIRMAN SPENCER:**

37 Legislator Kennedy.

38
39 **LEG. KENNEDY:**

40 Good afternoon, Jen. I know that it would not be under ATUPA where
41 you educate the merchants, but does our Health Department go into
42 schools? Do they send out pamphlets so that the adolescents
43 themselves can see the damage that tobacco products cause?

44
45 **MS. CULP:**

46 Yes. So our Office of Health Education has Public Health Educators
47 that go into the schools and do a lot of presentations and
48 information workshops about smoking, you know, prevention, not
49 initiating the first year/first cigarette, and also a good deal of
50 focus on the electronic cigarettes since that seems to be what is
51 drawing kids into the tobacco product nowadays. We have software
52 that we received through a grant for facial aging, so it shows
53 students, you know, this is what you look like in 20 years,
54 healthy, and this is what you look like after, you know, 20 years
55 of smoking. So that seems to be a proven tool that kind of can,
56 you know, physically show the impact of a cigarette.

1 **LEG. KENNEDY:**
2 Do they discuss the addictive nature of the nicotine?

3
4 **MS. CULP:**
5 Yes.

6
7 **LEG. KENNEDY:**
8 All right, thank you.

9
02:19PM 10 **CHAIRMAN SPENCER:**
11 Thank you so much, Jen. Appreciate it. I appreciate my colleagues
12 on the other side of the aisle; one's opposing raising fees, the
13 other one's making them register, I don't know what's gotten into
14 the building, but I love it.

15
16 *(*Laughter*)*

17
18 But in any case, just -- just kidding. But I do appreciate
19 everyone getting involved and taking an interest.

02:19PM 20
21 **LEG. CILMI:**
22 We figured we're going to inspire you to maybe lower taxes.

23
24 *(*Laughter*)*

25
26 That's what they would want from everyone.

27
28 **CHAIRMAN SPENCER:**
29 All right, fair enough, fair enough.

02:20PM 30
31 All right, moving on with our agenda. We had a motion and a second
32 on IR 1380. All those in favor? Any in opposition? Any
33 abstentions? Motion is approved. ***Approved and Placed on the***
34 ***Consent Calendar (VOTE: 7-0-0-0)***

35
36 Jen, again, thank you so much for your time and your expertise.
37 And please let us know how we can enhance this program and support
38 you.

02:20PM 39
40 **MS. CULP:**
41 Great.

42
43 **CHAIRMAN SPENCER:**
44 Thank you.

45
46 ***IR 1381, Accepting and appropriating 100% State grant funds from***
47 ***the New York State Department of Health in the amount of \$17,967***
48 ***for the Rabies Control Program administered by the Suffolk County***
49 ***Department of Health Services, Division of Public Health and to***
02:20PM 50 ***execute grant related agreements. (Co. Exec.)*** I would say same
51 motion, same second, but I think it was Legislator Calarco was the
52 -- I just want to, since it's been a while, was the -- made the
53 original motion, Legislator Fleming made the second. Is that fine?

54
55 **D.P.O. CALARCO:**
56 Yes.

1 **CHAIRMAN SPENCER:**

2 So to approve and place on the consent calendar. All those in
3 favor? Any opposed? Any abstentions? Motion carries unanimously.
4 **Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

5
6 **IR 1382, Accepting and appropriating 100% grant funds from Health**
7 **Research, Inc. passed through from the New York State Department of**
8 **Health in the amount of \$205,000 for the Expanded Partner Services**
9 **(EPS) program administered by the Suffolk County Department of**
10 **Health Services, Division of Public Health and to execute grant**
11 **related agreements. (Co. Exec.) Same motion, same second, same**
12 **vote. Approved and Placed on the Consent Calendar (VOTE: 7-0-0-0)**

13
14 I have no other business before this committee today. We stand
15 adjourned. Thank you.

16
17 *(*The meeting was adjourned at 2:21 p.m.*)*

02:21PM

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