

Introduced by Legislators Spencer, Anker, Calarco, Hahn and Gregory

**RESOLUTION NO. 457 -2012, ADOPTING LOCAL LAW
NO. 38 -2012, A LOCAL LAW TO PROTECT PUBLIC HEALTH
AT HOOKAH BARS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 24, 2012, a proposed local law entitled, "**A LOCAL LAW TO PROTECT PUBLIC HEALTH AT HOOKAH BARS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 38 -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROTECT PUBLIC HEALTH AT HOOKAH
BARS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that smoking flavored tobacco through a water pipe, commonly known as a hookah, is gaining popularity throughout the County and nation.

This Legislature also finds that hookahs use charcoal pieces to heat tobacco, the smoke from which is drawn through water and into a smoker's lungs using a length of hose.

This Legislature determines that burning charcoal emits high levels of carbon monoxide, a poisonous, odorless gas.

This Legislature further finds that, when carbon monoxide is ingested, it replaces oxygen in a person's bloodstream, depriving the heart, brain and other vital organs of necessary oxygen.

This Legislature also finds that exposure to excessive levels of carbon monoxide can cause headache, fatigue, breathing problems, nausea and dizziness. High level carbon monoxide poisoning causes more severe symptoms including mental confusion, vomiting, loss of muscle coordination, abnormal heart beat, loss of consciousness, coma and death.

This Legislature also determines that frequent exposure to carbon monoxide can cause long term health problems, including memory problems, brain damage, heart problems, cognitive difficulties, and permanent damage to major organs.

This Legislature also finds and determines that several establishments on Long Island cater to persons interested in smoking from hookahs in a social environment. These "hookah bars" frequently have up to twenty hookahs in operation during business hours.

This Legislature further determines that, given the use of charcoal, employees and patrons of hookah bars are at an increased risk for elevated carbon monoxide levels.

This Legislature finds that hookah bars should be required to have a fully operational carbon monoxide detector on premises at all times to protect the health and safety of their patrons and employees from carbon monoxide poisoning.

Therefore, the purpose of this law is to require all hookah bars in Suffolk County to have a carbon monoxide detector on premises and fully operating at all times.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“HOOKAH” shall mean a pipe for smoking tobacco consisting of one or more long, flexible stems connected to a container of water or other liquid through which smoke is drawn and cooled.

“HOOKAH BAR” shall mean a sole proprietorship, corporation, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of flavored tobacco for consumption on premises using a hookah, and in which the sale, manufacture or promotion of other products is merely incidental.

Section 3. Requirements.

- A. Any hookah bar operating in the County of Suffolk shall at all times have a functioning carbon monoxide detector located in each room of the establishment in which hookahs are available for use.
- B. Each carbon monoxide detector installed in a hookah bar shall have a digital readout displaying the carbon monoxide concentration in parts per million and shall be tested annually.

Section 4. Penalties.

- A. Violation of any portion of this law shall be subject to a civil penalty of \$500 for an initial violation. Each subsequent offense shall be punishable by a civil penalty of \$1,000 per violation.
- B. A civil penalty shall only be assessed by the Commissioner of the Department of Health Services following a hearing and opportunity of an alleged violator to be heard.

Section 5. Rules and Regulations.

The Department of Health Services is authorized to establish all rules and regulations necessary for the implementation of this law.

Section 6. Enforcement.

The Department of Health Services is authorized to enforce this law.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

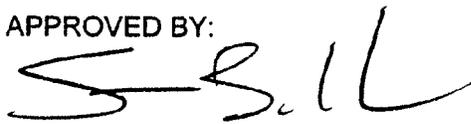
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: June 5, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 6-28-2012

After a public hearing duly held on June 20, 2012
Filed with the Secretary of State on August 1, 2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 5, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1387

Res. No. 457

June 5, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE						
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
5	Kara HAHN						
6	Sarah S. ANKER						
7	Rob CALARCO						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	William SPENCER						
14	Wayne R. HORSLEY, D.P.O.						
8	William J. LINDSAY, P.O.					/	
Totals		17	-		1	-	

MOTION

Approve

Table: _____

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule _____

Override Veto

Close

Recess

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECARED

ADOPTED

NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote