

**HEALTH, SOCIAL, EDUCATIONAL & ENVIRONMENTAL COMMITTEE MEETING
HELD IN THE
PUTNAM COUNTY OFFICE BUILDING
ROOM #318
CARMEL, NEW YORK 10512**

Chairwoman Scuccimarra, Legislators Gouldman & Sayegh

Tuesday

6:30PM

May 8, 2018

The meeting was called to order at 6:30 P.M. by Chairwoman Scuccimarra who requested that Legislator Gouldman lead in the Pledge of Allegiance. Upon roll call Legislators Gouldman, Sayegh, and Chairwoman Scuccimarra were present.

Item #3 - Approval of Minutes – April 11, 2018

The minutes were approved as submitted.

Item #4 - Verbal Update/One Army in the War on Addiction Task Force/Chairwoman Scuccimarra

Chairwoman Scuccimarra stated the One Army in the War on Addiction Task Force (Task Force) had their second meeting on April 25, 2018. She stated one item discussed was a ban on medical and recreational marijuana dispensaries. She stated Legislative Counsel Robert Firriolo noted that it would fall under the jurisdiction of the State. She stated considering the size of Putnam County she hopes the chances of a dispensary coming into the County is small.

Executive Director of The Prevention Council of Putnam Kristin McConnell stated there is a concern that the State may pass legislation decriminalizing marijuana. She stated the Task Force had hoped to preemptively ban the dispensaries.

Chairwoman Scuccimarra stated another initiative was raising the legal age to purchase tobacco and vaping products to 21. She stated the Task Force is still discussing this initiative. She stated raising the age for both products should be done together because vaping is a problem that is hitting our schools hard. She stated this is a good initiative to combat the problem. She stated she is looking to contact the Legislators in Dutchess, Rockland, and Orange Counties to discuss how they approached moving forward with this initiative. She stated the Task Force also discussed the possibility of charging business a licensing fee to obtain a permit to sell vaping products in Putnam County. She stated zoning laws to restrict where the vaping shops are allowed were also discussed. She stated the fees collected would go back to the community and prevention efforts. She stated also discussed was a penalty fee for businesses who sell the products without proper licensing. She stated the zoning ordinances would have to be initiated by the local municipalities, due to home rule. She stated she has already brought the Town of New Castle Zoning Law to her town for review. She stated the next meeting is May 30, 2018.

Legislator Addonizio stated the Task Force is very important to the community. She stated Executive Director McConnell has stated in the past that people can put THC in their Juuls (vaping device).

Executive Director McConnell stated the Juul is the most popular vape paraphernalia on the market. She stated what Legislator Addonizio is referring to is hijacking the Juul by taking the cartridge out and replacing the e-juice with liquid THC.

Legislator Addonizio noted that this can all be purchased online.

Chairwoman Scuccimarra stated with purchases being made online, she hopes the potential legislation would deter some people.

Legislator Nacerino stated she has mixed feelings about if the ordinances would actually deter people, because this is very hard to enforce. She stated vaping is very hard to detect.

Legislator Addonizio stated even the THC has no odor.

Legislator Gouldman questioned if the legal age for vaping is 18 currently.

Executive McConnell stated it is 18.

Legislator Gouldman questioned if the current problems are mainly in the high schools or in the younger schools.

Executive Director McConnell stated high school mainly.

Legislator Gouldman stated even with the legal age of 18, kids who are younger than that are still getting the vaping products. He questioned how raising the age to 21 would change this.

Executive Director McConnell stated it is similar to reducing the availability of alcohol to young people. She stated there are compliance checks for retailers. She stated this would be about reducing access commercially.

Deputy Commissioner of Social Services Joseph DeMarzo stated this is why there needs to be a multi-faceted approach to this issue. He stated part of that is education, as well as limiting access for young people. He stated nicotine has an effect on the frontal cortex of the brain.

Chairwoman Scuccimarra stated education is key. She stated people do not understand the hazards.

Legislator Sayegh stated she has mixed feelings on raising the age to 21. She stated she worries that it would open up more of a "black market" because she knows there are kids who currently sell vaping products. She stated on the other hand raising the age to 21 would have a positive impact and allows the conversation to open up about the dangers regarding vaping. She stated

some people believe it is better than smoking. She stated she does not want to criminalize 18 and 19 year olds or punish businesses. She stated most of this issue is education.

Legislator Gouldman stated people could go into neighboring counties to buy the products elsewhere. He questioned if this potential legislation would affect local businesses.

Executive Director Kristin McConnell stated the Task Force is not looking at it that way, it is being looked at as a public health concern. She stated a young person's brain is not fully developed and anything to prevent them from initially starting to use or making it harder to obtain the products is the ultimate goal. She stated statistics show that once someone starts vaping, within six (6) to nine (9) months they are also smoking cigarettes.

Legislator Nacerino stated this is a very important concern. She questioned regulating decisions by 18 year olds who are considered adults. She stated she agrees that there are many perils with this issue.

Chairwoman Scuccimarra stated that is true but the health and safety of the residents is paramount.

Legislator Nacerino questioned the impact the legislation would have.

Legislator Addonizio questioned who would manage the compliance aspects.

Chairwoman Scuccimarra stated the Task Force is working on that.

Item #5 - Presentation/Raising the Age to Purchase Tobacco and Tobacco Products to 21

- **Director of New York Government Relations at the American Cancer Society Cancer Action Network, Inc. Julie Hart**
- **Director of Advocacy – Northeast Region of Campaign for Tobacco-Free Kids Kevin O'Flaherty**

Director of New York Government Relations at the American Cancer Society Cancer Action Network, Inc. Julie Hart and Director of Advocacy for the Northeast Region of Campaign for Tobacco-Free Kids Kevin O'Flaherty gave the attached PowerPoint presentation.

Director O'Flaherty stated while tremendous progress has been made in reducing tobacco use both in young adults and children, there are still too many young people getting hooked on tobacco products. He stated there has been some decline in national smoking rates but there has been a flat lining in recent years. He stated this is most likely due to fewer cigarette tax increases recently, tobacco prevention programs are being cut back, and more people are starting to use e-cigarettes.

Director Hart stated New York has always been ahead of the curve when it comes to tobacco control. She noted the youth smoking rate is considerably lower than the national rate. She stated the tobacco industry has found new ways to get kids addicted to tobacco products. She

stated 20% of New York State youth report using e-cigarettes. She stated the smoking rate for adults in Putnam County is a little over 15%.

Director O'Flaherty stated approximately 95% of adult smokers begin smoking before they turn 21. He stated evidence shows that people get addicted when they are young, but do not become serious, daily smokers until they are older. He stated the NIH (National Institute of Health) did a study on finding the best age of sale for tobacco products. He stated the report showed that changing the age to 21 would make the most difference. He stated the age of initiation is key. He stated research shows that when a younger person tries an addictive product, it is harder to break the addiction later on. He stated a person who tries an addictive product in their teens is 20 to 30 times more likely to end up addicted to it than if it was tried in their twenties. He stated the brain is almost wired for addiction when people are in their teens. He stated this is a general rule for addiction, not just tobacco and nicotine.

Director Hart stated kids get their tobacco products through social sources. She stated 16 year olds are less likely to know a 21 year old than an 18 year old. She stated one (1) policy is not going to completely eliminate smoking or vaping but there is evidence that shows that it will make a big difference. She stated convenience stores usually raise concerns over this legislation. She stated 18-20 year olds only represent 2% of tobacco sales nationwide.

Director O'Flaherty stated there was an IOM (Institute of Medicine) report that estimated by the time teens today became 21 in three (3) to eight (8) years, smoking in that age group would go down by 12%. He stated policy would be all about reducing young people's access to the products.

Director Hart explained this is about stopping kids from ever starting to smoke. She stated as far as compliance, most retailers are responsible and want to comply with the laws. She stated Putnam County's compliance rate is higher than the State average.

Director O'Flaherty stated this policy is not about punishing retailers. He stated retailers are not selling to children under 18, young people are getting tobacco products through social sources.

Legislator Gouldman questioned how it is known that 2% of tobacco sales are by 18-20 year olds.

Director O'Flaherty stated there have been national surveys.

Legislator Gouldman stated retailers generally do not ask for a person's exact age.

Director O'Flaherty stated he would provide sources for the data.

Legislator Addonizio questioned if, with this legislation, people would be punished for smoking if they are under 21.

Director O'Flaherty stated it is their position that the kids should not be punished because they are victims of an industry that targets them. He stated some communities have "PUP" laws

(Purchase, Use, or Possession). He stated the Campaign for Tobacco-Free Kids does not support those laws, they prefer laws that regulate the age of sale.

Legislator Nacerino stated it seems that a big part of the problem begins in the formative years of ages 14-17. She questioned how this policy would change that.

Director O'Flaherty stated this is about taking a big chunk of the product out of availability.

Legislator Nacerino stated it is not available to them now but it is still a huge problem.

Director Hart stated 14-16 year olds are less likely to know a 21 year old. She stated the IOM report stated if the age was raised to 19, the sales of tobacco and tobacco products would decrease approximately 3%. She stated the study showed the decrease would be 12% if the age was raised to 21.

Legislator Nacerino stated she does not agree that underage kids in high school are getting it from 18 year olds who purchase it for them.

Director O'Flaherty stated there is evidence that the vast majority of the tobacco products that young high school students are getting are from 18 or 19 year olds. He stated not only are they partly providing it, but they are also role modeling using these products.

Chairwoman Scuccimarra stated no one (1) measure will completely eliminate the problem.

Legislator Gouldman questioned is there is a difference in smoking rates between areas that have the age set at 18 and areas with the age set at 21.

Director O'Flaherty stated there are not drastic decreases because this is not a cessation policy, it just works to prevent young people from becoming new smokers.

Director Hart noted the majority of New York residents live in an area where the legal age to purchase tobacco and tobacco products is 21.

Chairwoman Scuccimarra noted that New Jersey has the legal age set to 21 statewide.

Director O'Flaherty stated Campaign for Tobacco-Free Kids did a poll in April of 800 registered voters. He stated there was almost four (4) to one (1) support for raising the minimum age. He stated it was five (5) to one (1) between strongly support and strongly oppose. He noted the FDA (Food and Drug Administration) and federal definition of tobacco products includes e-cigarettes. He stated the industry sued to be considered a tobacco product. He stated to now consider them otherwise would be a great disservice to public health. He stated out of the five (5) states and approximately 300 municipalities across the country there is not a single jurisdiction that has left e-cigarettes out of their Tobacco 21 policy. He stated 60% of the market share for all e-cigarettes are Juuls. He stated they were designed for kids. He stated over 60% of kids do not think Juuls have nicotine in them.

Director Hart stated raising the age would simplify the process for retailers as there would only be one (1) age to check for.

Director O'Flaherty noted there would be no additional enforcement with the age being 21 instead of 18. He stated there would still be just the regular state compliance checks with retailers. He noted that the IOM report that came out in March 2015 was the main driver of municipalities moving towards adopting a Tobacco 21 policy.

Director Hart stated a common issue with potentially raising the age to 21 is the military. She stated each of the municipalities in New York have not exempted the military from the policy. She stated the military is not looking for an exemption. She stated the Department of Defense issued a memorandum addressing their concerns with military readiness and that tobacco use impacts military readiness.

Director O'Flaherty stated while one (1) of the five (5) states has a military exemption in their policy, none of the approximately 300 municipalities have a military exemption. He noted that the military is a voluntary service. He stated in every jurisdiction that has set the legal age to 21, the military bases have chosen to comply with that law even though they do not have to, due to technically being federal land.

Chairwoman Scuccimarra stated she works with many veterans and she is amazed by how many smoke.

Director Hart stated they were targeted by the tobacco industry for a long time. She noted that this policy is about prevention, not cessation.

Deputy Commissioner DeMarzo stated United States Senator Charles Schumer announced legislation to ban the flavored e-juices, which are targeted to young people.

Legislator Gouldman questioned if an actual retail store is necessary to get a license or if it can be done out of a vehicle.

Director Hart stated a tobacco retail license is required but no license is needed to sell vape products.

Legislator Sayegh stated that the corporate policy of Juul is to not sell to anyone under the age of 21.

Lillian Jones, resident, noted that Putnam County was the first county in the State to go smoke free in buildings.

Legislator Addonizio stated she is against smoking but she wonders if this policy is saying that 18 year olds are not capable of making intelligent decisions, yet they can join the military and vote.

Director O’Flaherty stated there is evidence that a significant part of the brain is not as well developed at 18 as it would be 23 or 25 years old.

Legislator Sayegh stated she is in favor of raising the age to 21 because she wants to keep the tobacco products out of the schools. She stated she is not in favor of penalizing people or adding additional fees or penalties.

Chairwoman Scuccimarra stated the Legislature has a responsibility to the people of Putnam County to help them stay healthy. She thanks Director Hart and Director O’Flaherty for their presentation. She stated this discussion will continue.

Item #6 - Discussion/Vape Shops/Town of New Castle Zoning Law

Chairwoman Scuccimarra stated it would be up to each Legislator to bring this example of a local law to the municipality they represent and see if it would be something the municipality would consider.

Item #7 - Discussion/Plastic Bags/Governor Andrew Cuomo Proposed Legislation

Chairwoman Scuccimarra stated she believes that this legislation will eventually be passed by the State. She stated Putnam County could be a leader in banning plastic bags. She stated there have been a lot of counties that have already done it. She stated there has not been much pushback in these areas.

Item #8 - FYI/New York Attorney General Eric Schneiderman’s “Clear Your Cabinet” Initiative – Duly Noted

Item #9 - FYI/“ThinkDIFFERENTLY” Presentation/Dutchess County Executive Marcus Molinaro/Hosted by Chairwoman Barbara Scuccimarra & Assemblyman Kevin Byrne/May 25 at 10:30A.M./Bureau of Emergency Services Auditorium

Chairwoman Scuccimarra stated this program is aimed at fostering a welcoming environment for individuals with special needs. She stated this presentation will be about how Putnam County can change the way residents, businesses, and organizations relate to individuals of all abilities. She stated too often people with special needs are overlooked.

Legislator Sayegh questioned if this event is open to the public.

Chairwoman Scuccimarra stated yes it is.

Item #10 - Other Business – None

Item #5 – Raising the Age to Purchase Tobacco and Tobacco Products to 21 - Continued

Chairwoman Scuccimarra read correspondence from Jim Calvin, President of the New York Association of Convenience Stores into the record: *“I understand that the idea of elevating the*

tobacco purchase age will be discussed at tonight's meeting of the Health, Social, Educational & Environmental Committee which you chair. While our member retailers share the community-wide goal of preventing youth access tobacco -- and verify the age of tobacco customers every day -- we don't believe a higher purchase age would achieve the desired result. We look forward to speaking with you further about this issue. Thank you."

Chairwoman Scuccimarra made a motion to accept the additional; Seconded by Legislator Sayegh. All in favor.

Legislator Nacerino requested Mr. Calvin be invited to speak at a future Health Committee meeting.

Item #11 – Adjournment

There being no further business, at 7:40 P.M., Chairwoman Scuccimarra made a motion to adjourn; Seconded by Legislator Gouldman. All in favor.

Respectfully submitted by Administrative Assistant Ed Gordon.