

WEDNESDAY, MARCH 6, 2019

1:00 P.M.

ACTING SPEAKER AUBRY: The House will come to order.

In the absence of clergy, let us pause for a moment of silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge of Allegiance.

(Whereupon, Acting Speaker Aubry led visitors and members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the Journal of Tuesday, March 5th.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I move to

dispense with the further reading of the Journal of Tuesday, March 5th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. For the benefit of my colleagues, the guests in the -- in the Chambers and staff, I would like to read a quote this afternoon from Maya Angelou. And Maya says, in her infinite wisdom, "That you may encounter many defeats, but you must not be defeated; in fact, it may be necessary to encounter the defeats so you can know who you are, what you can rise from and how you can still come out of it."

Again, Mr. Speaker, that is by Maya Angelou.

Mr. Speaker, members have on their desks a Calendar, a main Calendar. After there are any introductions or housekeepings [sic], we will continue our consent of new bills beginning with Calendar No. 82 on page 11. We will also be taking up Rules Report Nos. 35, 36 and 37. The following Committees have yet to meet off the floor, Mr. Speaker: We are now in Corporations and we will soon be in Health and Mental Health. And, clearly, because we're in a Budget season, Majority members, there will be a need for a Democratic Conference at the conclusion of today's Session. And as always, we will give consideration to see what our colleagues on the other side of the aisle will be doing.

With that as a general outline, Mr. Speaker, if there

are any introductions and housekeeping, we should take those up now. Thank you very much.

ACTING SPEAKER AUBRY: Certainly, and we have both, Madam Majority Leader. Housekeeping first.

At the request of Mr. -- Ms. Wright, the following bill, Calendar No. 56, No. A1890, Committee: Governmental Operations are recommitted back to the Committee on Governmental Operations.

As well as the -- Mr. Braunstein's bill, Calendar No. 27, Bill No. A2056, the Committee on Codes. That bill is also recommitted back to Codes.

For the purposes of a [sic] introduction, Ms. Buttenschon.

MS. BUTTENSCHON: Thank you, Mr. Speaker, and thank you for the opportunity to interrupt our proceedings to welcome EOP students to the Assembly Chamber. The State University of New York Educational Opportunity Program provides access to academic support and financial aid to our students who show promise for succeeding in college, but may have not otherwise been able to attend. I am proud to say that the EOP Program will be offered in my district at Mohawk Valley Community College in the upcoming year.

Today, we have students with us from SUNY Stony Brook. We have Princess Kablan, Rochelle Smith, Sara Fayed, Trenae Ka and Desany Perez. So, thank you so much for being here

and all that you are doing. At this time, I ask that you offer the cordialities of our House to our students.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Buttenschon, the Speaker and all the members, we welcome you here to the New York State Assembly. We extend to you the privileges of the floor and you must know that the Assembly has long been a supporter of EOP and we hope you enjoy that experience, benefit from that experience and come back and visit us soon. Thank you very much.

(Applause)

And that's also on behalf of Ms. Joyner. Excuse me, Ms. Joyner.

Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. I'd like to introduce to my colleagues in the Assembly and the People's House, Angie Dill, who's here visiting today. She is a constituent of Assemblyman Ashby and she's an 8th grader at Cambridge Central Schools. Angie was part of a project where she needed to think about what career she might wish to follow in her future, and she was interested in learning a little bit more about politics. So, I'm very happy to have her shadow me today. She is a very thoughtful young lady and a very smart one, and a very strong one, too, because she's been lifting chairs all day in and out of my office for all the groups coming in and out.

In her spare time besides politics, she is on the

wrestling team, right? The wrestling team. So, would you please, Mr. Speaker, welcome Angie to the People's House on behalf of myself and Assemblyman Ashby.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Walsh, Mr. Ashby, the Speaker and all the members, we welcome you here, Angie, to the New York State Assembly, extend to you the privileges of the floor, commend you on the volunteer work that you're doing for the Assemblywoman, and that will make a powerful combination, a wrestler and an intellect. Thank you so very much. Welcome.

(Applause)

Mr. Pichardo.

MR. PICHARDO: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. On the theme of college affordability, with us -- joining us here in the Chamber we have the Association of Proprietary Colleges and some of the students and staff are here to join us here today. I want to shout out particularly some of the students who are joining here with us advocating for their issues and college affordability: Donna Ruiz, Jessica Velez, Tierra Jefferson, Stephen Stiefler and Diana Perry. If I butchered your names, I do apologize, but more importantly, I want to thank these young people for their advocacy and their hard work in making sure that folks can afford college, but more importantly, I ask you, Mr. Speaker, if you can extend to them the cordialities of the House as they watch the proceedings here today. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Pichardo, the Speaker and all the members, we welcome these excellent students here to the New York State Assembly, extend to you the privileges of the floor. Thank you for the work that you're doing for other students, because affordability is key to an advanced society so we can afford to send our children to college and they can improve the world. Thank you, and we hope you will continue to do that work. Thank you.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you very much, Mr. Speaker, for allowing me to interrupt the proceedings. And on behalf of the Western New York Delegation, it is my privilege and honor to welcome several students from Bryant and Stratton College. They have campuses in Buffalo and what we call Southtowns, which, no surprise, is South Buffalo. And with us is Fran Felser, Paul Bahr, Colleen Reedy, Angie Buddie, Steve Makosy, Diana Perry, Tierra Jefferson, Jessica Velez, Donna Ruiz, Stephen Stiefler. And from Jamestown Business College, which is in my home district, we have with us Pamela Reese, who is the Vice President and the Dean; Yanira Cas -- Casta -- Castellano - I'm getting there - the only one I've introduced four times so far on the floor; and Rosanna Concepcion. Great group of students and faculty visiting us today.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Goodell, the Western New York Delegation, the Speaker and

all the members, we welcome both students and advisors here to the New York State Assembly. Extend to you, also, the privileges of the floor. Hope you enjoy this visit to Albany and that it's been beneficial. Thank you, and continue your great work.

(Applause)

Ms. Joyner.

MS. JOYNER: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings. I wanted to just join with my colleagues in welcoming EOP students from Stony Brook University, but a special recognition to Ms. Cheryl Hamilton, Ms. Patricia Rasso, Ms. Pamela Matzner. They were my backbone at Stony Brook University where -- made me who I am today and the reason why I am here today. They told me about this wonderful program here in the Assembly and the Internship and I would not be who I am today without these wonderful ladies, and I'm just so thankful that they brought up Stony Brook students and are continuing to guide the way for those following behind us. So thank you, Mr. Speaker, for allowing me to speak.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Joyner, the Speaker and all the members, again, welcome here to the New York State Assembly. And to those of you who caused us to enjoy and benefit from the benefit of Ms. Joyner's term with us, we thank you especially, because she is a valued Member of this House and this Conference. Thank you so very much, and welcome.

(Applause)

Ms. Rosenthal.

MS. ROSENTHAL: Thank you, Mr. Speaker, for allowing me to interrupt the proceedings for an introduction. Today, March 6th, 2019, is World Lymphedema Day. As we celebrate in an effort to raise awareness of this chronic disease, I have the great honor of being joined by not only the world's leading Lymphedema research and advocacy organization, but by some of the leading advocates and champions for finding a cure for Lymphedema. Lymphedema and Lymphatic Diseases affect 10 million Americans, more than 500,000 New Yorkers and 250 million people around the world; yet, the disease fails to garner the attention it demands.

Lymphedema, which can cause painful swelling or disfiguration of the extremities, affects roughly 30 percent of all Breast Cancer survivors and afflicts many who've had their lymphatic system compromised through physical trauma. For some, it is an inherited disease. In 2014, New York State Legislature was the first legislature in the world to recognize World Lymphedema Day, and we have done so each year since.

So, now I'd like to introduce the incredible champions for Lymphedema cure here with us in the Capitol today. First up, we have one of the fiercest advocate duos I know who are constituents of Assemblymember Santabarbara: Emma Detlefsen and her mother, Tiffany Detlefsen. They're here from Berne, New York. Emma is ten and has been fighting in Albany, around the State and in D.C. as well for Lymphedema awareness for years. Her mother,

Tiffany, is a member of the New York Chapter for Lymphedema Education and Research Network and is a true champion for their cause.

From the Lymphedema Education and Research Network, we have their Outreach Director Colleen McGuire, along with her son, Michael McGuire, who often volunteers for the cause. And also from LE&RN, we have Steve Palmer, Media Director for the organization. And, finally, from the LE&RN team, we have the fearless and all-around spectacular President and CEO of LE&RN, Bill Repicci. And last, but certainly not least, we are joined by constituents of Assemblymember Jean-Pierre: Tina Himaya and her parents, Jill and Emad Himaya, who we will be adopting a resolution to honor later today. Emad has Lymphedema, and Tina was born with Primary Lymphedema.

Together with these advocates, we will ensure Lymphedema finally garners the attention it demands. Last year, we passed a first-in-the-nation law requiring all general hospitals in New York to distribute information packets to those at risk of developing Lymphedema. With New York as the model, this is a template that LE&RN is now bringing around the country to other states. It's been a pleasure to have them here today and, Mr. Speaker, would you please extend to them all the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Ms. Rosenthal, Mr. Santabarbara, Ms. Jean-Pierre, the Speaker and all the members, we welcome this distinguished group here to the

New York State Assembly and encourage you to continue the great work that you're doing and to you, Emma, a special thank you for spending your time helping others, even as you suffer and fight the disease yourself. Thank you so very much. Continue that great work and know that you are always welcome here.

(Applause)

Resolutions on page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 151, Ms. Rosenthal. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 6, 2019 as Lymphedema Day in the State of New York, in conjunction with the observance of the fourth Annual World Lymphedema Day.

ACTING SPEAKER AUBRY: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 152, Mr. Cymbrowitz. Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim March 2019 as Colorectal Cancer Awareness Month in the State of New York.

ACTING SPEAKER AUBRY: On the resolutions [sic], all those in favor signify by saying aye; opposed, no. The resolutions [sic] are adopted.

Page 11, Calendar No. 82, the Clerk will read.

THE CLERK: Assembly No. A04072, Calendar No. 82, Gottfried. An act to amend the Public Health Law, in relation to

offering plant-based food options in hospitals.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 365th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, to remind the -- my colleagues that this is our first vote of the day. So, if you are in the Chambers or anywhere in and around, if you would please come and cast your vote, it would be greatly appreciated. It's the first vote of the day, Mr. Speaker.

ACTING SPEAKER AUBRY: First vote of the day. In the sounds of our voice, please come to the Chamber and cast your ballot. If you are in your seats, please vote now. If you're somewhere else, come home quickly.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04081, Calendar No. 83, D'Urso, Arroyo. An act to amend the Election Law, in relation to the date for filing the certificate of nomination for new parties.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Corporations has completed their work, so if you can please call the Mental Health Committee to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Mental Health, Speaker's Conference Room. Mrs. Gunther will await you there. Please go immediately.

The Clerk will read.

THE CLERK: Assembly No. A04336, Calendar No. 84, Weprin, Blake. An act to amend the Correction Law, in relation to the report the Correction Medical Review Board is required to issue regarding the death of any inmate.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A05312, Calendar No. 85, Lupardo, Stirpe. An act to amend the Agriculture and Markets Law, in relation to the Department of Agriculture and Markets making available information concerning minimum guidelines for vegetation management plans in a manner that is pollinator friendly.

ACTING SPEAKER AUBRY: On a motion by Ms.

-- Ms. Lupardo, the Senate bill is before the House. The Senate bill is advanced. Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. If you could please call the Health Committee to the Speaker's Conference Room, the Health Committee.

ACTING SPEAKER AUBRY: Health Committee, Speaker's Conference Room. Mr. Gottfried will be there waiting for you. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A05500, Calendar No. 86, Simon, Stirpe. An act to amend the Education Law, in relation to eligibility for Tuition Assistance Program awards for certain undergraduates who must transfer to another institution as a result of a permanent college closure.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker, for an opportunity to interrupt our proceedings briefly to introduce some really great citizens who are in our Chambers today. These women are all engaged with the Women's Building Council. And so, if you could please welcome them to our Chambers. We have Sandra Wilkin, who is the President and CEO of Bradford Construction and founder of the Women's Business Council; and the Godmother of the MWBE movement, we have Renee Sacks, who is the Executive Director of the Women's Business Council who helps MWBE businesses in construction trades. We have Deborah Bradley who is the past President of the Women's Business Council. We also have Eileen Della Volle, who is an engineer and she's a member of the Business Council, as well as Maja Popilee (phonetic), who is the Vice President of an engineering firm, as well. So, Mr. Speaker, if you could welcome these very enterprising entrepreneurial women to our Chambers, it would be greatly appreciated.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, we

welcome you here to the New York State Assembly, to the People's House. We extend to you the privileges of the floor, and how appropriate that you share in this with us in Women's History Month, because clearly you are women who have already made history and will continue to do so. Thank you, and congratulations.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we could turn our attention to page 4, we want to go to Rules Report Nos. 35, 36 and 37.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A00412-B, Rules Report No. 35, Jaffee. An act to amend the Social Services Law, in relation to the licensure, registration and required inspections, background clearances and training for child care providers; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on April 1st, 2019.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

(Pause)

MRS. PEOPLES-STOKES: Mr. Speaker, if I could briefly interrupt the proceedings before we move on to our next Rules Report item, to introduce a very special guest that's in the Chambers with us today. Her name is Alexandra Steck. She's sitting right next to her dad. Alexandra is a graduate - you want to stand up, sweetie? You're stunning, beautiful. Alexandra is a graduate of Smith College where she majored in Chemistry. She is now a pre-med student at Temple University in the great City of Philadelphia. So, let's welcome her to our Chamber. We're so very proud of her.

(Applause)

Alexandra, stand up, sweetie.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mrs. Peoples-Stokes, the Speaker and all the members, Alexandra, we are pleased to have you with us here today. I'm sure your father is duly proud; he's beaming, and that's not an often circumstance for us.

(Laughter)

So, we're happy to see you. You're family, so you are always welcome here. Thank you so very much.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A00558-A, Rules Report No. 36, L. Rosenthal, Dinowitz, Mosley, Jaffee, Galef, Thiele, Finch, Rivera, Simon, Ortiz, Vanel, Dickens, D'Urso, Lavine,

Seawright, De La Rosa, Crespo, Bichotte, Glick, Lifton, Fahy, Weprin, Zebrowski, Taylor, Perry, Abinanti, Paulin, Cook, Gottfried, Epstein, Buttenschon, Montesano, Jacobson, Smullen, Sayegh, Romeo, Reyes, Fall, Rodriguez, B. Miller, Griffin. An act to amend the Public Health Law and the Penal Law, in relation to increasing the purchasing age for tobacco products from 18 to 21.

ACTING SPEAKER AUBRY: An explanation is requested, Ms. Rosenthal. Members, we are on debate. Shh. If you're in the aisles, please clear them, have seats. Proceed.

MS. ROSENTHAL: Thank you, Mr. Speaker. This bill aims to improve public health outcomes and prevent thousands of avoidable deaths by increasing the age at which individuals may purchase tobacco and vape products from 18 years of age to 21 years of age.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker, will the sponsor yield?

ACTING SPEAKER AUBRY: Will you yield, Ms. Rosenthal?

MS. ROSENTHAL: Yes.

MR. GOODELL: Am I correct that under current law, local governments, local municipalities have the authority to make this change without us acting?

MS. ROSENTHAL: Yes.

MR. GOODELL: And if -- if we do make this

change, am I also correct that all the enforcement obligations and expense are borne by local governments?

MS. ROSENTHAL: Yes, except in the case where they don't have that mechanism to enforce it, the State Department of Health would.

MR. GOODELL: This bill would ban the sale of tobacco products to anyone under 21. Does it prevent the use of tobacco products under age 21?

MS. ROSENTHAL: No. This bill pertains only to sale.

MR. GOODELL: So, if someone is caught, so-to-speak, or found in possession of cigarettes and they're a young person, the fact that they're in possession or smoking would not subject them to any penalty?

MS. ROSENTHAL: Correct. It merely addresses the sale of tobacco and makes it illegal to sell to anyone younger than 21 years of age.

MR. GOODELL: Does this bill exempt from its scope any of the military bases that we have in New York State, like Fort Drum or others?

MS. ROSENTHAL: No, it doesn't and actually the military does support these kinds of efforts and they -- they tried to -- they have - they try to discourage and they do discourage use of tobacco by members who are in the military.

MR. GOODELL: From a Libertarian perspective,

there are some people that question why it is we would allow someone to vote in a Presidential Primary, register to vote when they're 16 or 17; we allow them to drive multi-million dollar aircraft in the military or even defend our country on the front lines when they're 18; we allow someone to get married when they're 18; they can sign contracts if they're 18, but they can't buy a cigarette until they're 21 under this bill? Is that because we want to make sure that our military that we're sending out on the front lines don't suffer premature death from cancer?

MS. ROSENTHAL: Well, it is a very important public health concern, but there are other -- people may not purchase alcohol until they're 21, can't rent a hotel room until they're 21. There are other prohibitions in the law concerning age 21. But this is a -- a dramatic -- a public health concern that affects individuals and also affects the bottom line of the State which ends up paying -- carrying a lot of cost of the illnesses that people get.

MR. GOODELL: Now, there have been a lot of studies on different mechanisms to reduce cigarette consumption and addiction.

MS. ROSENTHAL: Yes.

MR. GOODELL: Including issues like restricting the advertising, not having all the tobacco products right behind the counter, addressing you know, Mr. Camel Cool or the Marlboro Man or other issues that seem to be targeting youth, dealing with flavored tobacco products. Are any of those other well-recognized and

documented mechanisms to reduce teen tobacco smoking included in this bill?

MS. ROSENTHAL: Mr. Speaker, can you get some silence, please?

ACTING SPEAKER AUBRY: We certainly can. Ladies and gentlemen, keep the small conversations smaller. Shh.

MS. ROSENTHAL: Okay. So you can you repeat the last line of what you just said?

MR. GOODELL: Certainly. I mentioned a number of initiatives that the Tobacco Control Coalition has been urging. Are any of those included in this bill?

MS. ROSENTHAL: Not in this particular bill.

MR. GOODELL: I see. Do you have an estimate of what the cost would be on local governments if this were to go into effect?

MS. ROSENTHAL: I do not, but, you know, they currently deal with up to age 18, so I don't know how much more of a burden it would be; however, we have to keep in mind that we're protecting the health of young people. And the fact is that if people do not start using cigarettes by the age of 19 or 20, the likelihood that they will become addicted to cigarettes is very low, and that's why we're setting it at 21 to stop it before they start acquiring the habit.

MR. GOODELL: Many people have argued that the e-cigarettes are a helpful technique or mechanism or product that can help an addicted smoker gradually reduce their dependence on

nicotine. Are e-cigarettes also included in this?

MS. ROSENTHAL: This -- this is vaping, so yes, they would be included, as well.

MR. GOODELL: I see. Last, I assume that the thrust of this bill is that by making the product illegal to a larger group of individuals, your hope and expectation would be that the consumption of that product would go down?

MS. ROSENTHAL: Absolutely, but in addition, approximately 75 percent of the State's residents are already covered because counties and localities passed their own bills. So, this is also an attempt to have one Statewide purchasing age.

MR. GOODELL: And is the corollary also then true, in your mind, that if the availability of a product is more legal and more available, that the consumption will go up?

MS. ROSENTHAL: Say it again.

MR. GOODELL: I'm sorry?

MS. ROSENTHAL: Say it again? Just -- I couldn't, I couldn't hear it, sorry.

MR. GOODELL: I'm sorry. You mentioned that your belief is that if we make this product illegal to buy for anyone under 21 that consumption will go down, and I assume the flipside is true, that if you made it more readily available, you would expect -- more legally available, you would expect the consumption to go up?

MS. ROSENTHAL: That has -- yes, that does have an effect, but this is on -- on the seller. So, they're the ones who have

to determine if it's legal to sell to the person. If the person is unable to obtain it, yes, their consumption may not start or will go down.

MR. GOODELL: And so, we can anticipate if we legalize recreational marijuana, the consumption will likewise go up?

MS. ROSENTHAL: You know, you can have your debate on that when that bill comes to the floor. Mine concerns tobacco and vaping products.

MR. GOODELL: Perhaps we will.

MS. ROSENTHAL: Perhaps we will.

MR. GOODELL: Thank you so much, Ms.

Rosenthal.

MS. ROSENTHAL: You're welcome.

MR. GOODELL: Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Raia.

MR. RAIA: Mr. Speaker, will the sponsor yield for just a couple questions?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes, I will.

ACTING SPEAKER AUBRY: The sponsor will yield.

MR. RAIA: Thank you, Linda. I'm going to be voting yes on this, just so you know, because counties already have the ability to do this. I just want to point out that the title up there is

actually rather deceiving because it says it increases the age to purchase tobacco products from 18 years old to 21 years old. Vape products actually don't have any tobacco in them, correct?

MS. ROSENTHAL: Okay. I don't think that has any effect on the ultimate law.

MR. RAIA: I'm just making a statement. If you read that and you thought that products that don't -- that, you know, any product that doesn't contain tobacco you can still purchase under 21, that would be wrong, right? So this not only bans tobacco products, but it basically bans all nicotine products, correct?

MS. ROSENTHAL: Yes, it does. You seem to understand that even if that's misleading.

MR. RAIA: No. Well, I just -- again, people at home that may be watching us on the computer, may be watching on TV, if they see that title, they should be aware that it's not just banning tobacco products, it's essentially banning any product with nicotine in it. And that's fine, I get it, I just want for clarification purposes, maybe in the future we can have a proper title up there that says "nicotine" instead of "tobacco", because there is, in fact, no tobacco in vape products. Thank you, Linda, I appreciate it.

MS. ROSENTHAL: You're welcome.

MR. RAIA: On the bill, Mr. Speaker.

ACTING SPEAKER AUBRY: On the bill, Mr. Raia.

MR. RAIA: As I mentioned before, I'll be voting yes on this. Many of the manufacturers of -- of -- of vape products and

even some cigarette manufacturers also support raising the age to 21 so they can show that they're, in fact, not actually trying to market to people under the age of 21. I just want to point out one curious thing is you can get elected to the State Assembly at the age of 18 and actually vote on legislation that affects you, and you can't even -- you won't even be able to participate in some of the things that we actually debate here on the floor. So, it's kind of -- I just find it kind of interesting. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, Mr. Raia.
Ms. Glick.

MS. GLICK: When I put on my light, I did so because I thought that there would be more objections to this legislation. And so, on the bill, I just want to say how important it is to ensure that young people do not, because of peer pressure, start to smoke. They need to have a period of time when they can think more clearly about what they're doing. I see an increase of smoking lately, certainly nicotine products are -- through vaping are rampant, and it is an addictive substance that we know can cause cancer. And people find it very hard. If you ask people, *Oh, gee, did you stop smoking? Yeah, about six times.*

So, having lost a sibling to lung cancer because of an addiction to smoking, I think this is crucially important. If I had my way, it would not be a legal substance because it has caused so much devastation to so many families and an enormous cost to us and the health care system to try to save people who have developed cancer

directly as a result of smoking cigarettes. So, I want to thank the sponsor for the bill and hope that there won't be any negative votes up on the board. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Salka.

MR. SALKA: Will the sponsor yield?

ACTING SPEAKER AUBRY: Ms. Rosenthal, will you yield?

MS. ROSENTHAL: Yes.

MR. SALKA: I just have a couple questions here, and this is coming from the perspective of someone who is a Registered Respiratory Therapist and a smoking cessation counselor now for more than 25 years and I've had an opportunity to help many, many people over the years quit smoking. And I've seen the ravages at bedside and in their communities from cigarette smoking. And I'll be voting yes on this legislation, but one question I have, in particular, is will this law apply to our Sovereign Indian Nations who have a very robust sales of cigarettes?

MS. ROSENTHAL: Well, there's no enforcement on -- on those lands, so...

MR. SALKA: Okay. And -- and -- okay. Thank you. And also, is there any -- any part of this bill that addresses a very important component of smoking cessation, and that's education. I've found through the years that one of the most important things to help, especially young people, quit smoking is - or not to start - is education. And if it doesn't, I think it might be a good way to go.

MS. ROSENTHAL: Yes, I -- it's not contained in this bill, but yes, education is very important so that people don't even start the habit. But, you know, we do have a Tobacco Control Fund whose mission is to educate -- part of the mission is to educate. And so, yes, I agree with you, it's very, very important, but not in this bill.

MR. SALKA: Thank you, I thank you for your sponsorship of this very valuable bill.

MS. ROSENTHAL: Thank you.

ACTING SPEAKER AUBRY: Ms. Rosenthal.

MS. ROSENTHAL: As of today, seven states and more than 440 localities nationwide have enacted laws raising the age to purchase tobacco products to 21 years old. In New York State, New York City took the first step in 2013. Since then, 25 different localities have done the same. National data tells us that approximately 95 percent of adult smokers began before the age of 21, and many of those children go on to become regular smokers. Big tobacco has used advertising techniques to lure young people in, to make smoking look like an attractive habit and we're seeing the same scenario play out with new electronic cigarette companies.

By delaying the age when a person picks up that first cigarette, we are able to greatly decrease the chances of it turning into an addiction, and big tobacco knows this. They target young people because they know they will become future regular customers. A researcher for the R.J. Reynolds Tobacco Company once stated, *If a man - forget the woman - if a man has never smoked by age 18, the*

odds are 3-1 he never will. By age 24, the odds are 20-1. So, we are taking that -- that wise statement and banning the age of purchase to 21.

You know, this is something that many, many organizations have devoted their mission, their resources to, including the American Cancer Society, Action Network, American Heart Association, American Lung Association, American Nonsmokers' Rights, Campaign for Tobacco-Free Kids, the Children's Agenda, Children's Defense Fund New York, Citizens' Committee for Children -- on and on, Health Care Association of New York, Memorial Sloan Kettering, Roswell Park Comprehensive Cancer Center, University of Rochester Medical Center, New York State Academy of Family Physicians. It goes on and on because people know that tobacco and the nicotine can cause your death. And it's a great public cost, but it is a great cost to individuals and families when they've picked up the habit, it's very hard to quit.

So, as a former smoker I know that and that's why I'm advocating to raise the age to 21 to spare a new generation of people from becoming hooked and then having to quit or not quitting and becoming seriously ill. So, thank you, Mr. Speaker, and that's it, I think.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 120th day.

ACTING SPEAKER AUBRY: The Clerk will record

the vote.

(The Clerk recorded the vote.)

Mr. Ortiz to explain his vote.

MR. ORTIZ: Thank you, Mr. Speaker. I would like to commend the sponsor and also the Speaker for bringing this great piece of legislation today on the floor. This bill, Mr. Speaker, is about public health. Increasing the tobacco age to 21 will help to prevent young people from ever starting to smoke and reduce the death, the disease and especially the health care cost caused by tobacco and the using of it. So, Mr. Speaker, I withdraw my vote and I will be voting in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ortiz in the affirmative.

Mr. Ashby to explain his vote.

MR. ASHBY: Thank you, Mr. Speaker. I rise to explain my vote. It was my understanding that there would be a carve-out for military installations in the State of New York, like Fort Drum, who has the history, you know, most recently, of being one of the most deployed units over there with the 10th Mountain Division, rapidly deploying soldiers in the defense of our freedoms here so we can all come to work today. I don't -- I think it's -- I think it's a large overreach for -- for this Body to deny soldiers willing to defend our freedoms overseas the right to buy a pack of cigarettes before they go over to deploy. And so for that reason, I will be voting in the negative. Thank you.

ACTING SPEAKER AUBRY: Mr. Ashby in the negative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker, I rise to explain my vote. And I want to start by commending the sponsor of this legislation. While I came of age in the era when we wanted to lower the age to have better access to tobacco, and I can remember my high school allowing tobacco use right out on the -- the high school patio. We've learned a lot in recent decades on the harm of tobacco use and the studies are showing more and more, as were pointed out in the debate -- the studies are showing that the earlier the access, the greater the addiction or the longer term the addiction to -- to nicotine. And more alarming, I think, is just in the last two years, these absolute exponential increases in the use of vaping, not just among our high school students, but among middle school students, to the point of where I don't think there's a Superintendent I've met with this past year that hasn't raised great alarm.

While this doesn't immediately stop that use, this is very similar to alcohol, to vaping, to marijuana, to tobacco, the more we can limit the access and along with public education campaigns, and the longer we get youth to hold off in indulging in any of these types of products, the more educated they will be and the longer they hold off, even the less likelihood we'll see -- we'll see that dramatic increase, as the sponsor pointed out -- or we'll see that heavy type of usage.

So, we know this doesn't stop the immediate use, but we do know that this will have an effect with limiting access, and I think in the end that's good for kids, even if -- even if it won't cure the problem overnight. So with that, Mr. Speaker, I rise and I vote in the affirmative, and thank you.

ACTING SPEAKER AUBRY: Ms. Fahy in the affirmative.

Mr. Raia to explain his vote.

MR. RAIA: Thank you, Mr. Speaker, to explain my vote. As I mentioned earlier, I will be supporting this because we can take sensible measures to keep our youth from -- from getting their hands on alcohol, on tobacco products and everything else that may be bad for them, but adults can enjoy recreational. We're certainly going to have an issue when it comes time to legalizing marijuana, but the bottom line is it's steps like this that we need to take, and then maybe stronger laws to keep kids from getting it, higher penalties for those that sell to our youth, better ID checks. These are all things that we should do first before we talk about flat out banning certain products. Thank you, Mr. Speaker. I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Raia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05779, Rules Report

No. 37, Ryan, Ortiz, Englebright, L. Rosenthal, Epstein, Griffin, Colton, Galef, Thiele, Gottfried. An act to amend the Public Health Law, in relation to the definition of elevated blood lead levels.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Ryan to explain his vote.

MR. RYAN: Thank you, Mr. Speaker. We all know that childhood lead exposure causes permanent neurological damages, so New York State has taken several steps in an attempt to reduce childhood lead poisoning. In 1992, we passed the Lead Poisoning Prevention Act which set the definition of lead poisoning at ten micrograms of lead in a child's bloodstream. That level was based on the best available science and recommendations from the CDC.

Since that time, there's been more research done, ongoing research, and now it's been determined that five micrograms of lead in a bloodstream can cause neurological damage. And in 2012, the Centers for Disease Control, they changed their recommendations to the State and they asked the State to reduce these levels from ten to five. New York State's been lagging behind on that. Today, we're going to catch up and this bill would reset the actual level for childhood lead poisoning down to five micrograms, and that's a good step forward in trying to keep our children safe from the

hazards of lead poisoning.

Mr. Speaker, I withdraw my request and I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Ryan in the affirmative.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker, for the opportunity to explain my vote. I do remember back in the early '90s that as a community organizer when we fought all across the State, working with parents of children who had been lead poisoned to get this piece of legislation in place that happened in 1992. And at the time, Mr. Ryan is exactly right. The science was telling us at the time that ten milligrams was too much to have and that we should start there.

Times have changed, and we know a lot more about the impact of lead on children's lives. We, in fact, know now, Mr. Speaker, that this impact has found its way into our education system, into our school system. And a lot of the issues that we're having with children's academics have not to do with their inability to learn, but the fact that they were poisoned as children with lead.

And so, I want to commend the sponsor of this legislation. I think it's time for us to change the numbers on it and I look forward to voting in the affirmative. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr.

Speaker. Could you call on Mr. Otis for an important announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the purposes of a [sic] announcement.

MR. OTIS: It's Wednesday. It is 24 degrees outside and there'll be a Democratic Conference upon the conclusion of Session.

ACTING SPEAKER AUBRY: Thank you for those informative announcements.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, do we have any further housekeeping or resolutions?

ACTING SPEAKER AUBRY: Resolutions we do have. On the resolutions, which we will take up with one vote, on the resolutions, all those in favor signify by saying aye; those opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 153-154 were unanimously approved.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until tomorrow at 10 a.m.,

Thursday, March the 7th, tomorrow being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 2:50 p.m., the Assembly stood adjourned until Thursday, March 7th at 10:00 a.m., Thursday being a Session day.)