

**THURSDAY, JUNE 13, 2019**

**10:52 A.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 Wednesday, June 12th.

Mrs. Peoples-Stokes.

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

dispense with the further reading of the Journal of Wednesday, June the 12th and ask that the same stand approved.

ACTING SPEAKER AUBRY: Without objection, so ordered.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, it is my pleasure to share with colleagues, staff and guests that are in the Chambers [sic] a quote today that comes from a very recent high school graduation of Sasha Obama. The keynote address was given by Sheila Johnson Crump [sic] who was also the president and founder of BET, and the president and CEO of Salamander Hotels and Resorts. The quote, Mr. Speaker, is that, "Life has never been about you or about me. Life and all that matters within it has always been about us." Again, Mr. Speaker, that is a quote from Sheila Johnson during a commencement address just a few days ago. It is appropriate for us in our Chambers [sic] because it is all about us, and at the end of the day we've done some really great work over the last couple of weeks. We've got a lot of great work to do today. So I want to thank colleagues for their cooperation on yesterday, and to suggest to you all that we have another very busy day. And so we will be asking for your cooperation, and advising you that on your desk is a main Calendar and a debate list. And after there are any introductions and/or housekeeping, Mr. Speaker, we will continue to consent from the main Calendar beginning with Rules Report No. 103 on page 18. We will also work off a consent list and a debate list. We will call the

Health Committee and the Rules Committee. They will meet off the floor. These meetings will produce an A-Calendar which we will take up today. Members should also be aware that committees will be -- should be ready to meet for Housing, Codes, Ways and Means and Rules for a second time today. These committees will produce a calendar that we'll be taking up first thing tomorrow morning. And for our Majority colleagues, you should know that there will be a need for a Democratic conference at the conclusion of Session today. And we are already kind of know that the Minority will also need to break for a conference as well, Mr. Speaker, at some point.

So, that is a general outline of where we're going today. If there are introductions and housekeeping, it would be a perfect time to do that now.

ACTING SPEAKER AUBRY: Mrs. Peoples-Stokes, for the first time this year we have neither introductions nor housekeeping.

(Applause)

After yesterday's marathon introductions, I'm more happy than you are.

(Laughter)

The Clerk will read.

THE CLERK: Assembly Resolution No. 552, Ms. Williams.

Legislative Resolution memorializing Governor Andrew M. Cuomo to declare June 2019, as North American

Hurricane Awareness Month in the State of New York, at the start of the Atlantic hurricane season.

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. 553, Ms. Jean-Pierre.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim June 6, 2019, as Got Checked? Day in the State of New York.

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. 554, Mr. Benedetto.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 13-19, 2019, as Male Breast Cancer Awareness Week in the State of New York.

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. 555, Mr. Zebrowski.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim August 2019, as Indian-American

Heritage Month in the State of New York.

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. 556, Mr. McDonald.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 13, 2019, as Metastatic Breast Cancer Awareness Day in the State of New York.

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. 557, Ms. Malliotakis.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 9, 2019, as PANDAS/PANS (Pediatric Acute-Onset Neuropsychiatric Disorders) Awareness Day in the State of New York.

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. 558, Ms. Miller.

Legislative Resolution memorializing Governor Andrew M. Cuomo to proclaim October 2019, as Cockayne Syndrome

Awareness Month in the State -- in the State of New York.

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

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we can now go to page 8, Rules Report No. 103.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02785-A, Rules Report No. 103, Gottfried, Abinanti, Pheffer Amato, Solages, Jaffee, Garbarino, Raia, Steck, Seawright, Ashby, Byrne, McDonald. An act to amend the Social Services Law, in relation to synchronization of multiple prescriptions.

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.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Colleagues, this is our first of today. If you are in and around the Chambers [sic], please cast your vote. This is the first of today.

ACTING SPEAKER AUBRY: First vote of the day, members. Please cast your vote. Please come to the Chambers [sic] if

you are not already here, in order to cast your vote. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02787, Rules Report No. 104, Gottfried, Jaffee, Abinanti, Sayegh. An act to amend the Social Services Law and the Public Health Law, in relation to payments for behavioral health services.

ACTING SPEAKER AUBRY: On a -- on a -- no, excuse me. Home Rule Message is at the desk.

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.)

Members, there was no Home Rule on that particular bill.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02853, Rules Report No. 105, McDonald. An act to amend the Tax Law, in relation to authorizing the City of Troy to impose hotel and motel taxes; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Home Rule message

is at the desk. Read the last section.

The bill is laid aside.

THE CLERK: Assembly No. A02858-B, Rules Report No. 106, McDonald, Bichotte, Brabenec, Cook, Crouch, Gottfried, Gunther, Jaffee, Rivera, Stirpe, Pichardo, Englebright, DiPietro, Lupardo, Santabarbara, Woerner, Thiele, Cusick, Byrne, Morinello, Blake, Vanel, Fahy, Friend, Rozic, Benedetto, Richardson, Montesano, Joyner, Norris, Glick, Williams, Abinanti, Braunstein, Galef, Jones, D'Urso, Lentol, Cymbrowitz, Ortiz, Barron, Solages, Lawrence, McDonough, Mosley, Wallace, Lifton, O'Donnell, D. Rosenthal, Arroyo, Palumbo, Giglio, Blankenbush, Garbarino, B. Miller, Cahill, Davila, Colton, Goodell, Stern, Raia, Weight, Taylor, Sayegh, Byrnes, Smullen, Ra, Griffin, Buttenschon, Raynor, Steck, DeStefano, LiPetri, Smith, Mikulin, Jacobson, Reyes. An act to amend the Retirement and Social Security Law, in relation to increasing the retiree earnings cap.

ACTING SPEAKER AUBRY: On a motion by Mr. McDonald, the Senate bill is before the House. The Senate bill is advanced.

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: Mr. Speaker, thank you for the opportunity to interrupt our proceedings to -- for the introduction on behalf of Mr. Zebrowski and Ms. Jaffee, the leaders of the Indian-American Community of Rockland County. They're here with us in the Chambers [sic], Mr. Speaker. There's the India Cultural Society of Rockland, Geebon Jodi (phonetic) Senior Citizens Association, Hudson Valley Malayalee Association, and the first female elected Indian-American County Legislator in Rockland County, Aney Paul.

If you would please give the cordialities of the floor and welcome them to our Chambers [sic], Mr. Speaker, on behalf of Mr. Zebrowski and Ms. Jaffee.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Zebrowski, Ms. Jaffee, 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. We understand that this is the People's House. You are always welcome here. Certainly, we are so pleased to have you join us in these last days of Session. We hope that your trip here has been well, and that you will enjoy the proceedings. Thank you so very much. And to the colleague who also serves in government, congratulations. Thank you, and thank you for your service.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A02957-A, Rules Report No. 107, Richardson, Thiele, Bichotte, Epstein, D'Urso, Sayegh, Ortiz, Jaffee, Griffin, Barron, Wright, Ramos. An act to amend the Public Health Law, in relation to providing information on possible complications from pregnancy; and in relation to screenings and referrals for serious threats to life after pregnancy.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03009, Rules Report No. 108, Quart, Braunstein, Ryan, Fahy, Lavine, Hevesi, Steck, Aubry, Pretlow, Seawright, Weprin, Rivera, Cook, Barclay, Crespo, Cymbrowitz, Abinanti, Pheffer Amato, Garbarino, Solages, Raia, Galef, Peoples-Stokes, Stirpe, Otis, Cusick, McDonald. An act to amend the Insurance Law, in relation to synchronization of multiple prescriptions.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect January 1, 2020.

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: Mr. Speaker, we're going to interrupt our proceedings once again to introduce some honored guests that in our Chambers [sic]. They are above you in -- in -- in the balcony, Mr. Speaker. They are commemorating the 75th anniversary of the Polish American Congress. Theresa Bunk, who is the National Director, is from Watervliet; and Tomasz Mroczek is the National Director and President from Utica. Mr. Speaker, they have with them folks from literally all over the great State of New York, and they are here on behalf of Mr. McDonald, Mr. -- Ms. Buttenschon, Ms. Fahy, Mr. Santabarbara, Mr. Steck, Ms. Walsh and many other members of our Chambers [sic].

So would you please, Mr. -- Mr. Speaker, give them your gracious welcome and allow them the cordialities of the House.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. McDonald, Mr. -- Ms. Buttenschon, Ms. Fahy, Mr. Steck, Mr. Santabarbara, the Speaker and all the members, let me welcome these proud members of the Polish-American community here to the New York State Assembly. We extend to you the privileges of the floor. We hope that you will enjoy today's proceedings, and we celebrate you in celebrating your culture. Thank you so very much, which -- sharing with us today.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you

please call the Health Committee to the Speaker's Conference Room?

Mr. Gottfried will be en route.

ACTING SPEAKER AUBRY: Health Committee, Speaker's Conference Room immediately. Thank you.

The Clerk will read.

THE CLERK: Assembly No. A03059, Rules Report No. 109, Gottfried. An act to amend the Public Health Law and the Insurance Law, in relation to utilization review of coverage of nursing home care following an inpatient hospital admission.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03200, Rules Report No. 111, Byrne. An act to amend the Town Law and the Public Officers Law, in relation to the residency requirement for the court attendant for the Town of Somers, in the County of Westchester.

ACTING SPEAKER AUBRY: On a motion by Mr. Byrne, the Senate bill is before the House. The Senate bill is advanced.

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.

THE CLERK: Assembly No. A03320, Rules Report No. 112, Zebrowski, Blake, Lupardo, Colton, Wallace, Jones, Richardson, Walsh, Brabenec, Niou, Wright, Reyes. An act to amend the Banking Law, in relation to the Banking Development District Program; to amend Chapter 526 of the Laws of 1998 amending the Banking Law relating to participation in the Banking Development Districts program, in relation to the effectiveness thereof.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A03326-A, Rules Report No. 113, Cymbrowitz. An act to amend the Alcoholic Beverage Control Law, in relation to notification requirements for a seven-day license to sell liquor at retail for consumption off the premises.

ACTING SPEAKER AUBRY: On a motion by Mr. Cymbrowitz, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A03402, Rules Report No. 114, Gunther, Cahill, Zebrowski, Gottfried, Simon, Mosley, Montesano, M.G. Miller, Jaffee, Colton, Dickens. An act to amend the Mental Hygiene Law, in relation to liability for the payment of fees for services rendered by the Department of Mental Hygiene.

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.)

ACTING SPEAKER STERN: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A03475, Rules Report No. 115, DeStefano, Montesano, Salka, Lawrence, D'Urso. An act to -- an act authorizing the alienation of certain parklands in the Town of Brookhaven, County of Suffolk.

ACTING SPEAKER STERN: On a motion by Mr. DeStefano, the Senate bill is before the House. The Senate bill is advanced. Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER STERN: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. DeSan -- DeSano -- (inaudible) your first, sir.  
DeStefano.

(Applause)

Congratulations, sir.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, on behalf of Ms. Pheffer Amato, who is standing there with some really handsome and beautiful young ladies and young men who are from the J.H.S. 202 Robert H. Goddard School located in Ozone Park in Queens, New York. They're with their Assemblymember, Mr. Speaker. If you could welcome them, as they have traveled to our Capitol. They actually will be touring museums while they're here. They're going to go to the Corning Tower, which is a beautiful look of Albany if they go all the way to the top. I'm sure they've enjoyed themselves while they're touring Albany. Will you welcome them to our Chambers [sic] and offer them the cordialities of the floor.

ACTING SPEAKER AUBRY: Certainly. We -- on behalf of Ms. Pheffer Amato, the Speaker and all the members, we welcome these extraordinary students from Ozone Park here to the New York State Assembly, extend to you guys the privileges of the floor. Hope that you will have a great time and learn much as you have come to Albany. Also, that you know you have an Assemblywoman who is supporting you with all her might. Thank you so very much. Happy to have you guys.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A03548, Rules Report No. 116, Dinowitz, Gottfried, Galef, Braunstein, Magnarelli, Abinanti,

Otis, Reyes, Sayegh, Gunther, Epstein, D'Urso, Stirpe, Arroyo, Steck, Cook, Glick, Zebrowski, Fernandez. An act to amend the General Obligations Law, in relation to requiring contractees to waive their rights relating to the making of certain statements about contractors.

ACTING SPEAKER AUBRY: 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.

THE CLERK: Assembly No. A03628, Rules Report No. 117, Schimminger, Ryan. An act to amend the General Municipal Law, in relation to permitting the Tonawanda City School District to establish an insurance reserve fund.

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.



Mr. Goodell for the purposes of an introduction.

Members, shh.

MR. GOODELL: Thank you very much, Mr.

Speaker. On behalf of Assemblyman Blankenbush, I want to introduce some distinguished guests who actually reside in Assemblywoman Fahy's district. We have with us Mr. Blankenbush's sister, Lila Meeks; and his nephews, Patrick and Jamison. Patrick is going into the fourth grade in the Loudonville Christian School, and Jamison is going into seventh grade. And I've been advised that since second grade, Patrick has known all the presidents, in order, and he has as one of his bucket list career objectives becoming President. And so we are fortunate here that we can say we knew him when he gets there.

So if you would welcome Patrick, Jamison and their mother, Lila, I would appreciate it.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. Blankenbush, Ms. Fahy, the Speaker and all the members, gentlemen, ladies, we welcome you here to the New York State Assembly. You are given the privileges of the floor, and as family you will always have that. We hope that you will come and visit us often. Clearly, Mr. Blankenbush is pleased to have you. We love to have him smile on days like today. Thank you so much. And for the aspiring President, keep going, my son. You never know. Thank you so very much.

(Applause)

Practice makes perfect.

(Laughter)

The Clerk will read.

THE CLERK: Assembly No. A03937-A, Rules Report No. 119, Hyndman, Dickens, Arroyo, Williams, Montesano, Raynor. An act to amend the Education Law, in relation to the requirements for a license as a professional land surveyor; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 547 days.

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 allowing me to interrupt our proceedings to introduce yet another guest.

(Pause)

ACTING SPEAKER AUBRY: Wait until that door is closed. Can we keep that door closed there for a minute? Thank you.

MRS. PEOPLES-STOKES: To introduce, Mr.

Speaker, another guest in our Chamber. She -- on behalf of all of the Western New York delegation, this is Bridget O'Connell. She is a distinguished attorney from the Buffalo area, the newly-elected president of the Erie County Bar Association, and the former president of the Women's Bar Association, the Western New York Chapter.

Mr. Speaker, please welcome Bridget O'Connell to our Chambers [sic].

ACTING SPEAKER AUBRY: Certainly. On behalf of the Western Queens [sic] delegation, 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, the People's House. We hope that your tenure in your position will be positive and you will move the cause of justice in this State. Thank you so very much. Welcome.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A04000, Rules Report No. 120, Weprin. An act to amend the Administrative Code of the City of New York, in relation to excluding members of the police force who use hearing assistance devices from the definition of disabled.

ACTING SPEAKER AUBRY: On a motion by Mr. Weprin, the Senate bill is before the House. The Senate bill is advanced.

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.

THE CLERK: Assembly No. A04256-A, Rules Report No. 121, Hevesi, Barron, Aubry. An act to amend the Social Services Law, in relation to any unearned income of a child in certain circumstances.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04350-A, Rules Report No. 122, Zebrowski, McDonald, Stirpe, Wallace, Benedetto, Colton. An act to amend the Workers' Compensation Law, in relation to the requirement for policyholders to provide 30 days notice to withdraw from the State Insurance Fund.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04436, Rules Report No. 123, Abbate, Colton. An act to amend the Retirement and Social Security Law, in relation to disability benefits for firefighters employed by the Division of Military and Naval Affairs.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04454, Rules Report No. 124, Cusick, L. Rosenthal, Englebright, Abinanti, Lupardo, Otis,

Titus, D'Urso. An act to amend the Environmental Conservation Law, in relation to requiring notice to adjacent landowners where certain development is proposed in wetlands in a city with a population of one million or more.

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 for the purposes of an introduction.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. It's an honor to introduce a guest here on behalf of our colleague, Cathy Nolan. We have with us, Mr. Speaker, Kerry Kennedy, who is here representing the Robert Kennedy Human Rights Foundation. If you would please welcome our honored guest to the Chambers [sic].

ACTING SPEAKER AUBRY: Certainly. On behalf -- well, yes. I think that's appropriate by itself.

(Applause)

On behalf of Ms. Nolan, 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. This is the People's House. You are so welcome here. And, of course, the legacy of your family is outstanding. Thank you so very much. We can never thank you enough. Thank you.

(Applause)

The Clerk will read.

THE CLERK: Assembly No. A04620, Rules Report No. 125, Englebright, Gunther, Joyner, Arroyo, Davila. An act to amend the Tax Law and the State Finance Law, in relation to providing for taxpayer gifts for diabetes research and education and establishing the Diabetes Research and Education Fund.

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.

THE CLERK: Assembly No. A04666, Rules Report No. 126, Ryan, Ortiz, Jaffee, Englebright, Gunther, Burke, Fahy, Lifton, D'Urso, McDonald, Niou, Reyes, Weprin, Glick, Mosley, Thiele, Colton, Simon, Gottfried, L. Rosenthal, Ramos, Galef, Epstein, Steck. An act to amend the Environmental Conservation Law, in relation to the protection of certain streams.

ACTING SPEAKER AUBRY: The bill is laid aside.

THE CLERK: Assembly No. A04844-A, Rules Report No. 127, Colton, Walker, Ortiz, Seawright, Mosley, Barron, Rivera, Arroyo, D'Urso, DenDekker, Epstein, Cook, Simon, Blake, Glick, Hyndman, Fall, Fernandez. An act to amend the Environmental Conservation Law, in relation to the siting and presence of adequate numbers of trash receptacles in commercial zones and recreational areas in cities with a population of one million or more.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 180th 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.

THE CLERK: Assembly No. A04912, Rules Report No. 128, Garbarino. An act in relation to permitting the Unitarian Universalist Congregation of the Great South Bay Sayville to -- to file an application for a real property tax exemption.

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. If you could please call the Rules Committee to the Speaker's Conference Room. Rules Committee.

ACTING SPEAKER AUBRY: Rules Committee, Speaker's Conference Room immediately.

The Clerk will read.

THE CLERK: Assembly No. A04915, Rules Report No. 129, Jean-Pierre, Dickens, Barron, Jones, Glick, Mosley, Buchwald, Jaffee, Hyndman, Colton, Galef, McDonough, Walker. An act to amend the Public Health Law, in relation to death certificates for persons whose death is caused by an opioid overdose.

ACTING SPEAKER AUBRY: On a motion by Ms. Jean-Pierre, the Senate bill is before the House. The Senate bill is advanced.

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.)

ACTING SPEAKER PICHARDO: Are there any



other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04943, Rules Report No. 130, L. Rosenthal, DenDekker. An act to amend the Mental Hygiene Law, in relation to annual reporting on inmate substance abuse.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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.

THE CLERK: Assembly No. A04949-A, Rules Report No. 131, Peoples-Stokes. An act to amend the Education Law, in relation to providing for the election of members of the Board of Education of the Buffalo City School District in November; and to repeal certain provisions of such law relating thereto.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER PICHARDO: 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.

THE CLERK: Assembly No. A05045, Rules Report No. 132, Davila, Aubry, Gottfried, Simon, Barron, Arroyo, Taylor, Lavine, Ortiz, Cahill, O'Donnell, Seawright, Pichardo, Mosley, Perry, Rivera, Jaffee, Quart, Dickens, Blake, Walker, Wright, Romeo. An act to amend the Criminal Procedure Law, in relation to allowing a court to waive certain surcharges and fees; and to repeal certain provisions of the Penal Law relating thereto.

ACTING SPEAKER PICHARDO: The bill is laid aside.

THE CLERK: Assembly No. A05351, Rules Report No. 133, Cymbrowitz, Blake. An act to amend the Private Housing Finance Law, in relation to the copying of documents of limited profit housing companies.

ACTING SPEAKER PICHARDO: On a motion by Mr. Cymbrowitz, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05625-A, Rules Report No. 134, Weinstein, Mosley, Jaffee, Abbate, Cymbrowitz, Galef, Zebrowski, Joyner, Ortiz, Glick, Dinowitz, Carroll, D'Urso, Steck, Hyndman, Richardson, Seawright, Weprin, Cahill, Colton, Taylor. An act to amend the Real Property Law, in relation to directing the Department of Financial Services to establish an internet website for Federal home equity conversion mortgage product comparison.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 180 days.

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.

THE CLERK: Assembly No. A05635-A, Rules Report No. 135, DenDekker, Paulin. An act to amend the General Business Law and the State Technology Law, in relation to notification of a security breach.

ACTING SPEAKER AUBRY: On a motion by Mr. DenDekker, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A05661, Rules Report No. 136, Rozic, Peoples-Stokes, Buchwald, Cahill, Cook, Dinowitz, Englebright, Galef, Gottfried, Jaffee, Vanel, Abinanti, Griffin, Jacobson, Barrett, D'Urso. An act to amend the Election Law, in relation to the boundaries of election districts and the designation of polling places.

ACTING SPEAKER AUBRY: On a motion by Ms. Rozic, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A05767-A, Rules Report No. 137, Pheffer Amato, D'Urso. An act to amend the Environmental Conservation Law, in relation to the filling of borrow pits in Jamaica Bay; and to amend Chapter 288 of the Laws of 2014 amending the Environmental Conservation Law relating to the filling of borrow pits in Jamaica Bay, in relation to making the provisions of such chapter permanent.

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.

Mr. Goodell for the purposes of an introduction.

MR. GOODELL: Thank you very much, Mr.

Speaker. Some of us may have noticed this morning when we came in in The Well, some incredible motorcycles. They were all custom-built. Not only are they a -- a work of art, but they're also very functional and incredible custom motorcycles. Joining us today, we have Paul Teutel, Sr. from Orange County Choppers. Paul started with a metal fabrication business in New York, and then created a TV show which has evolved into a global phenomenon, showing this incredible process of taking a normal motorcycle and making it into an extraordinary motorcycle.

ACTING SPEAKER AUBRY: Mr. Goodell, I'm sorry. If you would suffer an interruption.

Ladies and gentlemen, we have introductions on the floor. It would be more than polite for you to hold your comments down.

Sir.

MR. GOODELL: Joining Paul Teutel, along with the six choppers that he brought to us to enjoy, are Joann -- or Joannie Kay, who is the Chief Executive Officer of the Orange County Choppers; Santos Lopez, who is the Vice President of Marketing and

a United States Navy veteran; Jason Pohl, lead designer; and Josh Allison, lead fabricator.

If you would welcome these distinguished New Yorkers who are showing the rest of the world our imagination, ingenuity and engineering prowess when it comes to motorcycle designs. Thank you, sir.

ACTING SPEAKER AUBRY: Certainly. On behalf of Mr. DiPietro, the Speaker and all the members, sir, we welcome you here to the New York State Assembly and extend to you the privileges of the floor. This is the People's House. You are always welcome here. And certainly, we congratulate you on the remarkable vehicles that you have brought for us to see, and your creativity in terms of producing them. Thank you so very much. Continue your good work.

(Applause)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please advance the A-Calendar?

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the A-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: We will go directly to page 3, Mr. Speaker, Rules Report No. 230 by Mr. Dinowitz.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Assembly No. A02371-A, Rules

Report No. 230, Dinowitz, Mosley, Burke, Magnarelli, Fahy, Arroyo, Cook, Glick, Jaffee, Wallace, Steck, Zebrowski, Jacobson, Quart, Reyes, Paulin, L. Rosenthal, Simotas, Titus, Niou, De La Rosa. An act to amend the Public Health Law, in relation to exemptions from vaccination due to religious beliefs; to repeal subdivision 9 of Section 2164 of the Public Health Law, relating to exemption from vaccination due to religious beliefs; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER AUBRY: Mr. Dinowitz, an explanation is requested.

Ladies and gentlemen, we are on debate. Shh. Please

--

MR. DINOWITZ: This bill would --

ACTING SPEAKER AUBRY: -- settle down.

MR. DINOWITZ: This bill repeals subdivision 9 of Section 2164 of the Public Health Law, the religious exemption to vaccination requirements.

ACTING SPEAKER AUBRY: Mr. Raia.

MR. RAIA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

MR. DINOWITZ: I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RAIA: Thank you, Jeff. I know we've been at

this a while already, but now it's -- now it's prime time, as they say.

Let me --

(Acting Speaker Aubry banging gavel.)

ACTING SPEAKER AUBRY: I appreciate all that is going on in the corner, but it will have to go on without conversation.

MR. RAIA: Okay. So, we're looking to eliminate the religious exemption but keep the medical exemption in -- in play, correct?

MR. DINOWITZ: Yes.

MR. RAIA: Now, under a religious exemption, does a particular school have the ability to reject that religious exemption?

MR. DINOWITZ: I believe so, yes.

MR. RAIA: Okay. Under the current law, does a school have the ability to reject a medical exemption?

MR. DINOWITZ: Yes.

MR. RAIA: That's odd. How -- why would a school have the ability to reject a doctor's ruling? We had a bill here last week in which we actually said - dealing with Social Services - that a patient's current doctor should have the ability to overrule a Social Services' doctor. So why -- why are we allowing somebody who has a legitimate medical exemption not to exercise that medical exemption?

MR. DINOWITZ: Well, I -- I wouldn't use the word "legitimate" necessarily, although I'm sure in most cases it is legitimate. But there may be specific reasons. It may not have been done properly. But there are -- of course, people could appeal to a



higher authority.

MR. RAIA: Well, apparently not because we're taking the religious out of the exemption. So, how many students do we have in -- in schools Statewide?

MR. DINOWITZ: Well, I know in New York City public schools there are 1.1 million students. And New York City represents less than half the population of the State, so I'm going to have to guess that it's over 2 million students.

MR. RAIA: Okay. So, using New York City as the example. I have a FOIL request, so these are real numbers from New York City Education Department. In 2017-18, there were a total of 642 religious exemptions asked for. Of that number, only 348 were approved, and 294 were denied. That's a pretty small number, but what concerns me, that's the religious exemption. What concerns me is the medical exemptions. You had -- in 2017-18 226 requests for a medical exemption. Only 130 of those medical exemptions were approved, and 96 denied. That's troubling. Even if you added up all of those exemptions, the religious and the medical, I think you're looking at about .006 of the entire school population. That certainly does not have an effect on -- on the herd immunity. That being said -- well, go ahead. I'll let you respond to that if you'd like.

MR. DINOWITZ: Okay. Well, I -- I think the numbers don't bear that out.

(Applause)

ACTING SPEAKER AUBRY: Excuse me. We

would ask those who are in the Gallery to respect the Rules of the House, which ask for no demonstration or clapping while we are in debate. We would hope that you would honor that, please. Thank you.

MR. DINOWITZ: The -- the actual numbers do not agree with that in the following sense: The data I have from the State Department of Health indicates that in the schools that -- in the school districts that have an immunization rate to MMR greater than 95 percent, the percentage of students who have the religious exemption is .7 percent, which is a very low number. It's less than 1 percent. But as you go down to 90 to 94 percent, 80 to 89 percent and so on, the rate goes up. In other words, there's an inverse relationship between the percentage of people - kids who are immunized and the percentage of people who have the religious exemption. So, for example, the records show that in a school where the immunization rate -- the MMR coverage rate is between 50 and 69 percent, the percentage of kids with a religious exemption is 22.2 percent. And what that means is -- is pretty clear. The more religious exemptions, the lower the vaccination rate. But it's not like .1 percent. In some schools it's over 20 percent non-vacc -- 20 percent religious exemption, and less than 70 percent immunization rate. Way, way below the amount and the percentage you need to have herd immunity.

MR. RAIA: Well, not the case on Long Island. But I -- I'd like to see the individual breakdown by school on that.

There are a number of individuals that are going to be

speaking on this, so thank you, Jeff.

On the record, Mr. -- on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RAIA: We have a problem out there. Out here. You have -- the general thought in the medical community is there should be no exceptions on this. Unfortunately, I've seen case after case after case of legitimate doctors' findings that are overruled by another doctor. Part of the problem is most doctors out there don't want to be in a position to be overruled by the Health Department. They don't want to be in a position to be embarrassed by their colleagues. And that's troubling. It's troubling when I -- I take a look at a -- a letter here I have from Lindenhurst School -- School District - which is actually close to my home - in which you have an MD, plus a whole a lot of other things after their name, that says, *Please be advised that the above patient had a life-threatening reaction after having an immun -- the DTaP immunization and suffered a seizure.* They included the neurological report, plus a whole bunch of other things. The response from the School: *Dear Parent and Guardian -- Really? They couldn't even get the person's name in there -- We are in receipt of a determination by our medical director -- Dr. Something or other -- in consultation with New York State Department of Health dated such-and-such regarding your request for your child to receive a medical exemption from the Tdap vaccination requirement set forth. Please be advised that your request for the exemption has been denied.* So now you have a scenario where one doctor, the patient's

doctor, is now being overruled by another doctor. We're in a Body that always has prescriber prevails. The patient's doctor always wins. Except in this case. You know, it would be one thing if we we're just talking about religious exemptions. We're not. We're talking about the impact of medical exemptions here. And that is a problem, because it's a problem for a parent, some of whom are members of this esteemed Body, watch their child have a bad reaction after a shot and just didn't want to get anymore shots. And now the State and a school says, *Too bad*. So now that patient is forced to be put in an untenable situation where they have to roll the dice again and say, *Well, my kid can only go to school if I get the shot. I saw what happened after the last shot. What do I do?* I can't imagine being a parent put in that position where you -- that next shot could potentially further damage your child or potentially kill your child, all because the general rule of thought is everyone's got to get vaccinated. No exceptions. And that's a scary place to be for us. It's a scary place to be for a parent. A number of parents -- we have 45 states that have philosophical and religious exemptions. Forty-five. What we're telling these parents are much like we used to tell parents before we passed medical marihuana, is move to another state. Well, I think we need to address the problem. I think there needs to be a study as to why doctor -- some doctors are overruling other doctors as to their rationale. Very scary to tell a parent that, you know, *Your doctor says one thing and the Big Brother says too bad*.

So I hope each and every one of you think about this.

I can tell you, this is the hardest decision that I am going to be making in my 17 years here. This, and the death penalty the first year I was here. Because this matters. This is about choice of parents, in many instances who have already seen their child hurt. Whether it was the shot, whether it wasn't the shot. But, you know, that's -- that's open to -- to debate or not open to debate, however you want to look at it. But I don't think parents should be put in that situation. I think at the very least we should be holding hearings on this. I'd like to hear more from the medical professionals. I'd also like to hear from the medical professionals that are afraid to speak up because they are chastised by the others in the medical profession.

So as I sit here right now, I'm still not 100 percent sure how I'm going to vote. But I got to tell you, when I see injustices like that where one doctor is pitted against another doctor, it helps make my vote a little clearer. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. McDonough.

MR. MCDONOUGH: Thank you, Mr. Speaker.

Would the sponsor yield for a moment?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: Mr. Dinowitz yields.

MR. MCDONOUGH: Thank you, Jeff. I just have one question. Regardless of whether this bill passes or not, will the

schools still -- will some schools still have the ability to say no to your child if he's not vaccinated?

MR. DINOWITZ: Would -- would a school have the ability to say no to your child if they're not vaccinated?

MR. MCDONOUGH: If the child is not vaccinated, will some schools still have the ability, the public schools in New York, to say, *Your child wasn't vaccinated, he can't come in.*

MR. DINOWITZ: Yes.

MR. MCDONOUGH: So, regardless, that school will still have that -- that ability, regardless of whether this bill passes or not.

MR. DINOWITZ: A school can reject a child who's not vaccinated unless they have an exempt -- a -- a proper exemption.

MR. MCDONOUGH: Unless they have proper exemptions, right?

MR. DINOWITZ: Right.

MR. MCDONOUGH: So, that would be a religious exemption or a medical exemption.

MR. DINOWITZ: Yes.

MR. MCDONOUGH: But this bill would eliminate the religious or the, you know, the exemption?

MR. DINOWITZ: Currently in New York we have - like I think every state - medical exemptions from the vaccination requirement. And we have -- in New York we call it a religious exemption. In other states they may call it a personal exemption or a

philosophical exemption.

MR. MCDONOUGH: Right. Right.

MR. DINOWITZ: We call it a religious exemption in New York, but de facto it is a -- it is, in reality, a philosophical objection. Basically, if people say, *I don't want my child vaccinated*, and they say it's for religious reasons, then they may be eligible for this religious exemption. And that's what has contributed, in part, to a vaccination rate which in some areas need to be raised significantly in order to protect all the children.

MR. MCDONOUGH: Okay. But my point is, regardless of whether that family or that child does not get vaccinated, the schools in either case, regardless of this bill, can still deny him coming in, right?

MR. DINOWITZ: Schools can reject the -- a child if the parent does not have the child vaccinated without an exemption.

MR. MCDONOUGH: Have they been -- have they been doing that in the past?

MR. DINOWITZ: I -- well, the policy may vary from school to school, from district to district. Yes, I'm sure children have been rejected or the parents have been told, *You've got to get your child vaccinated*, and I -- I would think in many -- in most cases probably the child gets vaccinated.

MR. MCDONOUGH: You mean they get rejected and the parents decide, *Well, I want him to get vaccinated so he can get back to school*. Is that what you're saying?

MR. DINOWITZ: Well, I -- I think -- you know, not everybody, not every parent has all the information they need. I think most do. I think most people understand that in this 21st Century, vaccinations are important. They've been a miracle. Millions of lives have been saved. We've eradicated smallpox. You don't see people with polio anymore. And we thought that measles was eliminated, but it wasn't eliminated, as proven by the fact that as vaccination rates may not have been as high as it should be in certain areas, we've had more measles outbreaks in the past few years than we've had prior to that. And this year's outbreak in the United States is the largest outbreak since 1992 - 27 years ago, more than a quarter of a century - and most of the thousand-plus people who have gotten the measles are from New York State, and most of them are people who were unvaccinated.

MR. MCDONOUGH: Okay. As an aside, I just got to report that the cases -- the number of new cases reported --

MR. DINOWITZ: I'm having a little trouble because there's noise.

MR. MCDONOUGH: I am, too. The number of new cases reported in May was 73 cases. In June, five. I just thought you -- you may be aware of that. I just saw it today.

MR. DINOWITZ: Well, if that's -- if that's correct, that's very good news.

MR. MCDONOUGH: Right.

MR. DINOWITZ: But nonetheless, over 1,000 people have contracted the measles, and what this bill -- it's important



not just for the current outbreak -- and I won't call it an epidemic, because I don't know what number you need for that, but I'm sure this isn't that number. But we're also talking about the future. And since we've seen in recent years that measles has made a comeback, mainly because of people who refuse to vaccinate, we have to take the proper precautions to protect our children. And one of those things that we need to do is to pass this legislation, eliminate the nonmedical exemptions.

MR. MCDONOUGH: Okay. Thank you. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Ms. Montesano -- Mr. Montesano.

MR. MONTESANO: Thank you, Mr. Speaker.

On the bill, please.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MONTESANO: Thank you. You know, a -- a -- a lot of us will be speaking about different subject matters today in connection with this, but as the sponsor of the bill was just mentioning, the -- the effect of the vaccine and what's going on with the children and the people that have exposed to it. You know, one of these reasons that this happens is because with the pharmaceutical company, Merck, the manufacturer of this particular vaccine and several others, is their course of conduct. There's a lawsuit pending in the Eastern District Federal Court of Pennsylvania against Merck. It's a whistleblower lawsuit that was brought in 2010 and is still alive

today in the courthouse. The whistleblowers testified that Merck altered the results of their vaccine test to show that it had a 95 percent effective rate when, in fact, it was more like 60 percent. They -- they mixed it with rabbit blood in order to change the outcome of the effect. So when we talk about why the vaccines may not be working, it's one of the reasons because of the conduct of the pharmaceutical companies. This case is still pending. There's a lot to it. And it's U.S. v. Merck because it's a fraud claim against the United States government because the government subsidizes a lot of these vaccine programs throughout the United States. So, this is one of the things to consider, is the conduct of the pharmaceutical companies that generate these vaccines and put them through the market. Now, also when the vaccines are made, they are not subject to the same rigorous testing that regular prescription drugs are subjected to. So, there is no way to really test them. And, in fact, it's such a sketchy situation that a number of years ago, the United States government created the Vaccine Court, as they refer to it as, because the pharmaceutical companies were getting sued on many occasions because of the side effects these vaccines were having on children. So, the threat from them was they weren't going to produce the vaccines anymore, so the government took the possession -- position, You continue to produce these vaccines, and the US government will indemnify you and will hear the claims and the cases. So, that's one of the issues.

The next issue is looking at a New York State Department of Health sheet as to what the dates and doses -- the ages

and doses should be of vaccines to children. Of course, when they start pre-K all the ways [sic] up to high school, they receive an average of 30 doses of vaccines during that period of their lifetime. And there are a total of nine mandatory vaccines they have to receive. Also, the objections to many people on religious grounds is the content of the vaccine itself. People in the Muslim community complained that some of the content of the vaccine is derived from pork, from pig fetal tissue, and it's a violation of their religious beliefs to have this put into their system. Many children have experienced episodes of seizures. There's rare cases where some children have died. There's cases where the underlying medical condition of the child doesn't make it conducive to having a vaccine; however, the parent applies to the school for the medical exemption with the note from the physician, and the school nurse is the one that decides if she's going to override the physician. And then if there's an appeal, it's the State Education Department that deals with this, not the New York State Department of Health - although I understand from one of my colleagues that there's a bill that he's going to be bringing out that addresses that issue, and I'll be very happy to co-sponsor that bill. So we have people that are not only related in the medical profession are making decisions to override a medical doctor when he determines that his patient should not have a vaccination or not.

Now, I was looking at a -- a ruling from a New York City school regarding an application for a medical exemption, and it was granted. And the caveat that was put in there - which was

acceptable to the parents and seems to be their standard caveat that they put in that the parents abide by - is that if your child is not vaccinated and a case of measles breaks out or another vaccine-protected ailment begins, the child has to be removed from school for at least 18 days until it clears up. And that's acceptable to the parents. Their child is not vaccinated, someone else in the school comes down with measles or mumps or whatever the case may be, then their kid is excluded for a period of time from the school and the parents live with that. But when we look at this today, one of the things that's very concerning to me and I know to some of my other colleagues, is that this bill is targeting the religious exemption. It's an attack on people's First Amendment right; their right to express their religious beliefs, the exercise of their religious beliefs and freedoms. Because there's an argument there that well, the religious leaders of the different denominations out there - whether it be the Catholic Church, the Jewish faith, the Muslim faith or whatever the case it may be - are not explicitly out there saying it's a violation of religious tenets or we don't have a -- you know, and many of them say, *We don't have a problem with it*, it's still the individual parent who's raising this child that has the fundamental right to decide what happens with their child in -- in all facets of their life. And most importantly, in their education and in their health care. And if people have had adverse experiences with vaccinations or believe that the contents of that vaccine violates their religious tenets, belief or expression, they have the right to that protection. We are just targeting one thing in a bill against people's

religious beliefs and observance, and I think this is a very, very dangerous road to start traveling down.

Every bill that I've been at this House for nine years, we continually always argue about people's right to choose, especially when it comes to their health care and to their bodies. This is a perfect example of people choosing what goes into their bodies. What -- what medical procedure they're going to subject themselves to. What medical test they're going to subject themselves to. Everybody went into a panic because 1,000 cases of measles were reported in the entire United States. How many millions of people make up the population of the United States? In the State of New York, I believe we had a little over 600 cases. New York City alone has a population of roughly 11 million people. So, to turn around and use that as an excuse to attack someone's religious beliefs and exemptions, I think is a very, very dangerous precedent for us to undertake in this State Legislature. We have to give people consideration. Even in the case -- to be honest with you, when it comes to the medical exemptions, I don't think the doctor -- the doctor who writes the -- the medical opinion and note regarding that child's exemption should even be challenged. He is the attending physician. He's the one who knows the child's history, the family's medical history. He should not be second-guessed, especially by some bureaucrat.

So I think as we move along today and we hear the different arguments that are going to be made regarding, you know, this issue, which is a very, very serious issue for everyone in this State,

no matter what side of the aisle you're on, it's not a political issue. It's a fundamental issues of people's rights to their religious freedom.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Colton.

(Pause)

Mr. Manktelow.

MR. MANKTELOW: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

MR. MANKTELOW: Thank you, sir. Just a couple of minor questions I have for you. Again, the -- the criteria or the reason for this bill is what?

MR. DINOWITZ: Say it again.

MR. MANKTELOW: You can't hear me?

MR. DINOWITZ: No.

MR. MANKTELOW: Just -- just again, could you reiterate what the reason for this bill is?

MR. DINOWITZ: The reason for the bill is both an outgrowth of the current measles -- measles outbreak, but I think beyond that because I introduced the bill before this current outbreak. The fact that measles, which is a disease which can permanently injure somebody or even kill them -- thankfully, that's not happened during this outbreak, but we know that measles can damage the brain, can

cause encephalitis, can cause blindness, can affect your hearing. The rates of -- of -- of people who are not getting the MMR vaccine, among other vaccines, is dangerously high, affecting in certain communities herd immunity. So once California had this discussion as a result of an outbreak there, they changed their law. And it was very controversial there, also. There were a lot of anti-science people in every state. They changed their law to eliminate all but nonmedical exemptions, and lo and behold, the vaccination rate in California went from approximately 90 percent to approximately 95 percent.

MR. MANKTELOW: I'm sorry, I can't -- I can't hear you.

MR. DINOWITZ: The vaccination rate in California, once they eliminated nonmedical exemptions, went from 90 percent, approximately, to 95 percent, protecting, of course, not only the people who were vaccinated, but also the young children who can't be vaccinated for medical reasons.

MR. MANKTELOW: Okay. So -- so the gist of the bill is to protect our young children in schools, making sure everybody's vaccinated.

MR. DINOWITZ: It's -- the -- the purpose of the bill is to protect people, but particularly children.

MR. MANKTELOW: Okay. So has any -- any questions been brought to your attention about possibly the staff members at the school, the teachers, the bus drivers? Any -- and -- has that -- has that ever been brought up?

MR. DINOWITZ: No one has brought that up to me.

MR. MANKTELOW: Because I -- I made some phone calls this morning before Session, and I talked to some of the local schools back home. Whether you're a bus driver, a teacher, an assistant, a coach, a ref, a school nurse or any other position in the school, none of the schools that I talked to asked that upon hiring that individual. So if we're going to make this a religious belief situation where, *I don't want you to come to the school because my religious beliefs*, what are we going to do about the other individuals that are coming to that school that could have the same issues?

MR. DINOWITZ: Well, it's sounds like you're inspiring me to draft additional legislation.

MR. MANKTELOW: Oh, absolutely not. No.

(Laughter)

So -- but if we're here to protect the young kids, why are we not doing that?

MR. DINOWITZ: Well, we could do that.

MR. MANKTELOW: Okay, so --

MR. DINOWITZ: But this bill -- this bill is focused simply on changing the law requiring vaccination requirements for children who go to a school or daycare. But that doesn't preclude us from considering other potential legislation in the future.

MR. MANKTELOW: Okay. So back in my hometown, in my home community, we now have a lot of the Amish moving into the area, and I know a lot of them do not vaccinate. But



at the same time, they have their private schools, but they use public transportation. They use our school buses to transport them around. How do we handle a situation like that?

MR. DINOWITZ: Well, this bill doesn't limit it -- it's not limited to public schools in the first place. This bill includes all schools.

MR. MANKTELOW: So -- so an Amish school is going to have to comply with this as well, correct, with the bill?

MR. DINOWITZ: If it's a school, yes.

MR. MANKTELOW: Who is going to -- who is going to follow up on that to make sure that happens?

MR. DINOWITZ: The Department of Health would be the agency that would deal with things relating to health.

MR. MANKTELOW: Do -- do they have acknowledgement of all these schools? Do you know?

MR. DINOWITZ: I'm sorry, do they have what?

MR. MANKTELOW: Does the Department of Health have knowledge of these schools?

MR. DINOWITZ: Knowledge of the schools?

MR. MANKTELOW: Yes. Do they know they exist?

MR. DINOWITZ: I imagine the Department of Education must know they exist, and I would hope that two agencies can communicate with each other.

MR. MANKTELOW: Okay. I thank you for your

time.

MR. DINOWITZ: You're welcome.

MR. MANKTELOW: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. MANKTELOW: So just like some of my other constituents had said this morning, this is about going after the First Amendment rights of religious belief. And if we're going to go down this bad, bad road as legislators, we're really opening ourselves up to a can of worms.

Yesterday in this -- yesterday in this -- in this building, on this floor, we gave rights to undocumented people. Undocumented people that aren't even citizens of the United States. But today we have citizens of the United States who under their constitutional right have the option under the First Amendment to use their -- their religious beliefs. I just don't see how that's -- how that's practical here in New York State. How on one hand we can honor and let people that aren't even documented, aren't even citizens, have rights in this State, in this country? People that have been here, paid taxes here, are legal here don't have the option to protect their child -- excuse me? That they don't have the option to protect their child. We're taking that right away from them. As -- as the Assemblyman just said -- excuse me -- just said, we give the rights about the health of the woman, the health of the baby, the health of this, the health of that. These individuals have a right to say yes or no to what's going into their child. And as some of the other ones said, I've only been

here six months, but this is probably the hardest bill that I've went over, other than the Reproductive Health Act, over and over in my head on what to do and what's right and what's wrong.

So I'm going to ask this floor, these colleagues, to really consider what we're voting on here. This is really about a parent's rights to decide what goes into their child. And if it's all about the schools and keeping those kids safe at schools, then you'd better draft a whole -- another quick bill, because there's a lot of people within those schools that don't have that knowledge whether they're documented or not documented -- I'm sorry, whether they're vaccinated or not vaccinated.

So, if we're going to do the whole thing and protect our young people, protect these kids, let's make sure we do the whole thing. And there's no reason why this shouldn't have been drafted in that bill as well. Thank you, sir.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Phillip Steck.

MR. STECK: Thank you very much, Mr. Speaker. Freedom of religion is a cornerstone of American life. Our Constitution recognized the harm that religious intolerance caused in other nations, and enacted freedom of religion as a fundamental right. The right to worship in one's own home, in a religious institution of one's choosing, and to engage in religious expression is critical. As a civil rights attorney, however, I know that there is no right in the Constitution that is absolute. All rights must give way when there is a

compelling government interest. The Supreme Court has held, this is so where vaccines are involved. Vaccinations have achieved unparalleled success in eradicating disease. The success of vaccine depends on keeping the percentage of those vaccinated extremely high. Those who have not been inoculated do not get the disease because there's no one to get the disease from. I am convinced that maintaining the highest possible rates of inoculation and preserving our immunity from these diseases is a compelling State interest that must overcome freedom of religion.

Vaccines carry medical risk. Some people in society have medical conditions that put them at greater risk of harm from a vaccine than others. We certainly support a bill to assure that all persons who qualify for an exemption under the protocols of the Centers for Disease Control get that exemption without interference from government officials who are not medical professionals. In this country we have the Federal Food and Drug Administration, the Centers for Disease Control and other bodies that monitor vaccines. New York State does not monitor the science of vaccines. We do not sit here in review of the CDC. I've spent hours discussing this issue with citizens advocating retention of the religious exemption. Formerly, I was a supporter of the religious exemption. However, from these discussions it has become abundantly clear to me that at least 90 percent of those advocating for the religious exemption are arguing against vaccines based on their own research and opinions that vaccines are harmful. That is not a religious claim. That is a claim

that the medical and scientific community is wrong, even though, as I said, vaccines have contributed to dramatic improvements in public health in the 20th Century. The number of persons seeking the religious exemption has proliferated. Some do seek the religious exemption because the medical exemption is cumbersome, and as I indicated, needs reform. But that is not a ground for having a completely vague religious exemption that anyone can use for any reason at all, whether based on religion or not.

The March of Dimes recently visited my office and advocated on behalf of children who have been grievously harmed by being in the presence of unvaccinated children. I agree with the March of Dimes that vaccination is for the greater good of the public.

I will be voting to eliminate the religious exemption and will support strengthening the medical exemption. There are times when, quote, "The needs of the many outweigh the needs of the few and the one." Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

Mr. Colton.

MR. COLTON: Thank you, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. COLTON: I think the bill is very well-intentioned and I commend the sponsor for that. However, I do have concerns about the constitutional basis for this bill. I think it is clear that there is guarantees for freedom to practice religion in our

Constitution, and I think it is also clear those guarantees are not absolute. I think that when we decide to restrict a religious belief, we need to, number one, government would need to show that there is a compelling interest for doing so. And frankly, I think that, you know, having a law that requires vaccines could be a compelling interest. But we also need to do it in a way that is as narrow as possible. And I'm concerned that in this particular situation -- this bill, which was prompted by a number of cases of measles having broken out -- I have heard no evidence that any of these measles were related to somebody who was not vaccinated because of a religious exemption. And that troubles me. I also recognize that those who have been advocating for the opposition to this bill have very often stated things that are not related to a religious exemption. Certainly, there should not be an exempt -- an exemption because somebody believes that there's scientific evidence that their child will be harmed, even though they don't have any medical documentation for that. But still, we need to show the greatest respect for religious exemptions. And I am concerned that if we pass this bill eliminating all religious exemptions in the issue of vaccinations, that we may be weakening that in other instances where it would be a serious threat to the practice of religion. I am very reluctant to remove exemptions for religious beliefs unless I am clearly convinced that there's a compelling reason in that particular instance, and unless -- unless there is a narrow ruling, a narrow definition of removing that exemption. And I believe this bill is too broad, and I do believe that it is not showing that there is a

relationship between removing the exemption and the spread of measles. And without that, I am very reluctant to vote for this bill.

I believe that we must protect the exercise of religion, and we do not want to set precedents that might be used to weaken those religious beliefs and those practices. And for that reason, I really do not feel comfortable voting for the bill as it currently is written. We might consider defining -- defining the exemption listed in the statute more specifically, but the way it is listed right now I am not comfortable just overturning it based upon, you know, the possibility that there's a larger number of measles cases and that it may be related to the very small percentage of people who actually have a religious exemption, which I have heard is as little as 1 percent.

So at this point, I'm really not comfortable voting for this bill. Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. Let me first start by saying -- well, let me first start by saying on the bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. ZEBROWSKI: Let me next say that I've met with parents in my district office, up here in Albany, and let me first state that, you know, I feel for them. I believe that they have their own beliefs by which they are scared that vaccines could hurt their children. And as a father myself, you have a lot of concerns and I -- and I don't minimize those. And they're tough discussions, tough

conversations. But it's tough to debate when you both don't start from a similar basis, because my basis has to be as a legislator. The medical consensus, the consensus of the medical community and the doctors by which I believe we all in this room have seen the data, heard the data, talked to doctors. I mean, it's even at a point, colleagues, where many pediatricians' offices won't even see or treat patients if they are not vaccinated. So I don't think we can really have a debate over whether or not there's a medical consensus, because there is one.

I also need to stand up because I represent one of the counties that has the epidemic. I live there. I'm experiencing this right now, not just as an Assemblymember, but as a parent. Let me just give you some of the data, because I think some of my colleagues have talked about and will talk about the lack of data or the lack of evidence. The evidence is there, and let me talk about it.

In Rockland County we've had 266 confirmed cases of measles. There's been 16 hospitalizations, three that have required treatment in the ICU; two in the pediatric ICU and one in the newborn ICU. Since the epidemic, the County Health Department has given out over 22,834 vaccinations. There is about 330,000 people in Rockland County. So when you -- when you look at those statistics -- statistics are a funny thing, right? Like, you can take that percentage and be like, *Well, it's not that many people*. Well, that is 22,834 people that were not vaccinated that are walking around Rockland County, shopping in our stores, going to our day cares, going to our schools, that if one of them contracts measles can put the rest of those



22,000 at risk. Or -- or all the children that are too young to get vaccinated, of which I have one. Luckily, she just turned one on Friday. But -- so she was able to get her first shot. But her first shot wasn't her first shot, colleagues. Because living in a county with this epidemic, my daughter had to get a shot at six months. The normal cycle for the MMR is one year and four years, but I had to bring her in at six months, as have some of my peers. My Chief-of-Staff is sitting next to me. He -- he has a young daughter, she had to get it at six months. So as a young parent, and as many young parents around my district, we had to get our kids over- vaccinated, at least according to the schedule, because of this epidemic.

Now, I'm -- I am happy to listen to my doctor and do what needs to get done. But I do resent not following the normal schedule. Now, I'm not a doctor so I have not poured over the medical journals, and I trust that it is safe. But I assume there is a reason why it's one year and four years. But I had to get her a booster at six months. The evidence of whether or not the booster would work, there were -- it's -- it's better than not getting it, right? And then I'll have to get the four-year, I believe -- I'm not there yet -- at 18 months, at a year-and-a-half. So, no, I'm not particularly thrilled that I have to get an extra shot, that I have to move up the schedule. But I have to do what I have to do.

Let me also say that the County Health Department releases and has released numerous times exposure sites in Rockland: Home Depot, Costco, Best Buy. And you know what happens when I

get these exposure sites? What do you think I do? I call up my wife and I say, *Were you in Home Depot with Reagan?* And she says, *Yes*. And then I say, *What Home Depot were you in?* And she says, *Oh, the West Nyack Home Depot*. And I said, *All right, good*. Because during this day for like eight hours, something like that, if you were in there you could have been exposed. Not because you didn't vaccinate, but because I have a daughter that was under the age that could be vaccinated. So as we try to minimize whether or not this could be an epidemic, is a epidemic, is a health hazard, I just ask you how many Best Buys, Costcos or similar stores you have visited. And I ask you to analyze how many of these have been visited by your constituents with young children over the past several months. Because if you live in my County, they all could have been exposed to measles. And I believe that it's undisputed that if you are in the same room with somebody that has measles, there's a 90 percent chance that you will get measles.

Some of my colleagues talked about the need for evidence, and I'm sure we'll hear that. So, I talked about the number of cases, I talked about the number of shots that have been given out. In Rockland County, of those cases, 77.8 percent had zero immunizations and another 14 were unknown. So at least 92 percent had zero or unknown shots, immunizations. So I think that's pretty -- that is pretty convincing evidence. And 80 percent of those that have measles were under the age of 18 and should have been vaccinated and were of school-age. Is that -- is that not evidence? There are six

schools in Rockland County that have an over 20 percent religious exemption criteria -- or they have -- they have over 20 percent of their students that have the religious exemption. Six. There's another -- there's 12 that are over 10 percent, 17 over 8 percent. Those are schools that are not at the level that would protect society and protect everybody else and achieve what is being -- what is referred to as herd immunity.

So we heard a bit of people saying it's not an epidemic, isn't an epidemic, what's the definition of a epidemic. I think it's an epidemic. But I don't really care because our job is not just to react to epidemics. Our job as legislators is to prevent epidemics. So if one of those children from one of those six schools, or a child that goes to any number of the dozens of dozens of day care facilities in Rockland County was in that Best Buy, was in that Costco during the time when someone had measles, the next day when they were dropped off at day care or went in to school, you would have an explosion. A 90 percent chance that person would get measles, right, and then they would bring it to that -- one of those schools that has under -- that has 20 percent or more children unvaccinated or into a day care. Then you have an epidemic. Whether we have one or not, you want to debate? Then what we will have an epidemic. And then what -- what -- what would we do? Want to call for a special Session? Then we'll pass the bill, everybody has the evidence they want now?

Vaccines have been one of the preeminent medical advancements of modern times. I don't really think that this can be

argued. It's eradicated deadly diseases, eradicated debilitating diseases. Society is healthier because of vaccines. I think we would all recognize that. Go back to the polio epidemic. People were lining up in order to get their vaccines. And in some ways I believe we're a victim of our own success. Because you don't necessarily see these outbreaks all the time, it doesn't seem as critical or as necessary in order to promote the vaccinations and to ensure that everybody has them. But when you have an outbreak - and I've had an outbreak - you see how quickly it can spin out of control and you can see how quickly people start to ask themselves, *Where can I take my child? Where should I take my child? What happens?* Because you know -- I -- I don't think I heard it before, but you know what the symptoms of -- of measles are. You don't break out in the typical rash right away. It's very much like flu-like symptoms to begin with. So it's not like somebody would be in that Best Buy or that Costco, see the measles and automatically call up the Health Department. They'd probably send their child to school the next day. So in relation to that, you know, I think we're a victim of our own success, you know, I've heard a lot as I've had the discussions of people saying, *Well, we're still in a lot of times like above that 90 percent.* You know, *There's so few people doing it. It's not really the religious exemption so we really shouldn't change this bill.* But you have to ask yourself, what if more people thought that way? What if more people availed themselves of that? Because I believe there's a misconception. I believe there's a misconception that people think that those parents that are getting their

kids vaccinated are excited to do it, are lining up, happy to bring their child in. Let me -- let me dispel that misconception. It stinks. It's terrible. It's -- it's the worst when you bring your -- your child into that doctor's office. I just did it last Friday. She had to get a fingerprick for lead and something else, and then -- and then three vaccinations. I would be more than happy, probably -- let me -- let me rephrase that. It would be easier if I knew everybody else was getting vaccinated and I could depend upon their vaccinations to not get my child vaccinated. One, because as you can imagine, she screamed and yelled when she got that shot, those shots. But two, it's just this thing. It's just this thing as a parent. You have this little innocent child, and putting anything -- I'm nervous when I, you know, when we gave her her first solid food. But certainly, any shot you give your child there's just this little thing: You are their protector, and you just don't want to do it. So let me dispel that notion. But it's unfair of me as a parent to just rely on everybody else's immunity, so I have to do it. Right? I have to listen to my pediatrician, I have to do what is right for my child and right for society.

So colleagues, I ask you today, I know it's a difficult vote. I know there's a lot of people in this building that are very passionate, and I honestly respect their passion. But we have to protect public health, colleagues. We know what the medical community believes about vaccinations. We know that they have a eradicated diseases. And I have just given you the evidence of a county that is going through that epidemic, about the numbers and the

percentages that are in certain schools, about the numbers and percentages that have gotten measles and which of those have not gotten the vaccination. We have to take the right vote. Because, as we've seen, we may turn around in two months, we may turn around in six months, we may turn around in 18 months and have to do it because there is a full-blown epidemic. Thousands of children, maybe in your district. Let's prevent that because that's what we're supposed to do.

Thank you, Mr. Speaker -- Madam Speaker.

ACTING SPEAKER REYES: Ms. Glick.

MS. GLICK: Thank you, Madam Speaker. I rise on the bill to say that I believe in science. I'm old enough to have been around when polio was a real threat. And I remember the fear that my parents had about us going anywhere near a -- a pool or going to any place where we might become exposed to polio. And I remember everyone lining up in the school cafeteria to get a vaccination which our parents were very happy about and we were very happy about, because it meant that at some point we would be protected from what we saw was a very debilia -- debilitating disease. It wasn't that long after World War II when we had a President who had been afflicted as a young man with polio. And while it was managed so that people didn't know that he was mostly in a wheelchair, we were aware of the fact that polio was a terrible disease. We knew about the iron lung that made it possible for some people to breathe, but it didn't make it possible for them to have a mobile life. So, I believe in science. And

while science has somehow, despite all of the advances in the 19th and 20th Century, here we are in the 21st Century where people from the President on down are somehow calling into question the thing that has made life so much better for so many of us: Science. So, I believe in science. I do not believe in mob rule. I believe people's passions. But when their individual disbelief in science is likely to impact other people who for many reasons may not be able to have a vaccine, people who may be -- and youngsters who may be getting cancer treatment, people with various immune deficiencies, people with HIV. I think it is incredibly dangerous for people to say, *Well, I'm going to rely on the "everybody else getting vaccinated but I'm not going to have my children vaccinated."*

There is something called the greater good. Seems to be out of fashion these days, but I still believe in it. And the greater good is that your personal opinions, which may be based on junk science, do not trump the greater good. And that means society. Just this weekend I was listening to the radio and I heard an announcement, much as my colleague mentioned, that there was a -- a store in Spring Valley, and if you had been in that store between the hours of -- and it wasn't during a set period of time. It was explained that measles can stay in the air because it's -- it's airborne virus or bacteria, but it's airborne and it stays in the air for a period of hours. So people have to think, *Well, did I go to that store?* If they have -- if they or someone they were with were unable to take a vaccine. These diseases are not -- you know, I -- I heard some woman talk about how

all of her kids had had the measles and it was fine. Well, I'm very happy that none of her children had a long-lasting disabling condition as a result, although one could have a disabling condition as a result. And while the First Amendment gives people rights to religious beliefs, many of the people who are relying on a religious exemption have used this not because of a deeply-held religious belief, but a deeply-held personal belief that has nothing to do with religion.

I believe in medical exemptions. There are people who have any range of medical conditions that prevent them or -- or are contraindicated for them to have a vaccine. But we need to protect those people who cannot take a vaccine. And there are people around the world who only wish they had access to a vaccine because they live in places where there's almost no healthcare available to them. So I have no problem supporting an elimination of a religious exemption while I favor the medical science determining if somebody should be eligible for a medical exemption. This -- now, I live in a very crowded city. People are on the train, very close next to each other. My niece, who was pregnant last year, was on the train every day going to work -- in fact, she didn't feel well -- it was a little bit early, but she didn't feel well, and she decided to leave work and she took a 3:30 train and gave birth at 9:00 that night. So she was on the train all the time throughout her pregnancy, worried, worried that someone on the train, anyone on the train, could feel that it was okay that they not have proper vaccinations, exposing her and her unborn child to a potential illness that could be a lifelong damage. That's why the



March of Dimes supports this measure. So having those early memories of the importance of having access to a polio vaccine. Having seen the potential -- not every school has a 90 percent vaccination rate, and believing both in science and in doing things for the greater good, I applaud the sponsor who has taken an incredible amount of unjustified abuse, abuse for believing in the greater good and the public and the need for public health.

Now, we used to have public health clinics. They're very few and far between, but I remember when they existed. And it was appropriate, appropriate for this measure to come forth.

And despite the display of disrespect that the sponsor faced during the Health Committee meeting, I believe all of us have a responsibility, a responsibility to the greater good. To public health. And that is why people should be proud to support, as I am, in support of this measure.

ACTING SPEAKER REYES: Mr. Goodell.

MR. GOODELL: Thank you, Mr. -- thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER REYES: Will the sponsor yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER REYES: The sponsor yields.

MR. GOODELL: Thank you, Mr. Dinowitz. So, if -- this bill doesn't prevent somebody who has a religious exemption or a religious belief from refusing to vaccinate their child, correct? I mean,

this bill doesn't say you must or we'll arrest you or fine you. It just bans that child from --

MR. DINOWITZ: Hold on, hold on. Somebody's yelling. I can't quite hear.

MR. GOODELL: It's someone who needs a vaccination to protect them from our legislative debate, I think.

(Laughter)

MR. DINOWITZ: Well, you can solve that problem very quickly.

MR. GOODELL: This bill bans the individual who doesn't have a vaccine from going to public, private, parochial schools, day cares, correct? It doesn't require they actually have to have the vaccination?

MR. DINOWITZ: No. No one would be or could be forced to vaccinate. Some people have said that, but that's just not the case.

(Applause)

ACTING SPEAKER REYES: Quiet. We are -- we remind the Gallery to please, no clapping.

MR. DINOWITZ: They simply can't send their child to one of the schools you just mentioned.

SERGEANT-AT-ARMS: (Addressing Gallery) And I will make you leave if you do it again.

MR. GOODELL: I -- I don't think he's talking -- I don't think he's talking to the two of us. So then what happens if a

child is not vaccinated? How do we educate them, because obviously, we want educated New Yorkers. How, then, are they educated?

MR. DINOWITZ: Well, I -- I imagine that will be up to their parents or guardian as to what choices they have and what they would choose.

MR. GOODELL: Does the State then pay for private tutoring, for example?

MR. DINOWITZ: Not that I'm aware of.

MR. GOODELL: Does the State pay for them to home school?

MR. DINOWITZ: I don't believe so.

MR. GOODELL: So, we just throw them out of school.

MR. DINOWITZ: Well, I -- I don't know if I would want to look at it that way. I would look at it more like this: We have people, children who cannot be vaccinated and they have a right to be protected from being exposed to diseases which could kill them. There are people with compromised immune systems, people with -- and I'm talking about children now -- people who are receiving chemotherapy, for example, or as was mentioned earlier, little babies who shouldn't be vaccinated but in some cases were forced to vaccinate because the people who refuse to vaccinate their children, whose children could have been vaccinated.

MR. GOODELL: But getting back to the question of education. The bottom line is if this goes through and you had a

sincere religious opposition to vaccination and you're not willing to violate your religious tenets, then we ban those children from public, private, parochial schools and day cares, correct?

MR. DINOWITZ: Well -- well, Mr. Goodell, I'm not going to question people's religious beliefs. But I will say that I'm not aware of anything in the Tora, the Bible, the Koran or anything else that would suggest that you should not get vaccinated. But people are entitled to believe what they want to believe. Call it religious beliefs if that's what they want to call it. But if you choose to not vaccinate your child, thereby potentially endangering other children because you've made that choice even though your child will be protected because other people do vaccinate, creating the herd immunity that we need, if you make that choice that you're the one who's choosing not to send your kid to school. Not other people, and not the State.

MR. GOODELL: I see. Okay. And you had mentioned that the number of religious exemptions are about 0.7 percent?

MR. DINOWITZ: I don't believe that is exactly what I said.

MR. GOODELL: Well, what number -- so, Statewide, of those who are of school --

MR. DINOWITZ: What I said was that there was an inverse relationship between the percentage of people -- of kids in a school that are vaccinated to the number of religious exemptions, which I think is pretty obvious to anybody. So we do have schools in

the State where the coverage for MMR vaccine is actually less than 50 percent. And that's in schools where over 72 percent of the kids aren't vaccinated. I'm sure those schools are very few in number. But the -- the numbers go from a very high greater than 95 percent, and in the schools where the rate is greater than 95 percent, the percentage of students enrolled with a religious exemption is less than 1 percent. But that's only in the case of the schools with the very high vaccination rates. But as you go down to lower and lower rates, there are a greater number of students who -- who claim the religious exemption, but I think that's pretty obvious that would have to be the case. So it varies.

MR. GOODELL: Now, you know the New York State Department of Health maintains statistics on the number of children that are vaccinated, the number of children that are not vaccinated, the number of children that claim a medical exemption and the number of children that claim a religious exemption. And that data, which was maintained through 2018, is not only Statewide or the City or the State, outside the City, but it's actually broken down to individual schools. Based on -- are you familiar with that data?

MR. DINOWITZ: I have some data before me. I don't have the school-by-school data.

MR. GOODELL: And so based on that data, am I correct, then, that Statewide, of all the students that are enrolled in New York State in 2017-18 school year, 0.8 percent of those students claimed a religious exemption from vaccination?

MR. DINOWITZ: I don't believe that number is correct at all.

MR. GOODELL: So you think their data is incorrect?

MR. DINOWITZ: I would think that the number of students who've claimed the religious exemption is higher. I'm looking at the data from the New York -- from the New York State Department of Health, and the rate of -- the percentage of students enrolled who have a religious exemption is greater than that number. I'm not saying it's --

MR. GOODELL: Well, I mean, you said --

MR. DINOWITZ: -- (inaudible) but I think it's greater than the number you just suggested.

MR. GOODELL: Well, you said it was less than 1 percent Statewide. I thought that was the number you --

MR. DINOWITZ: I didn't say it was less than 1 percent, you did.

MR. GOODELL: Okay. And am I correct that the medical exemption Statewide is 0.14 percent?

MR. DINOWITZ: Let me check. I don't -- I don't have the number of medical exemptions before me, but I will say that my understanding is that the number of medical exemptions are many, many fewer than the number of religious exemptions. And if you give me a second... I think the number of medical exemptions is approximately one-fifth that of religious exemptions. Maybe even less

than that.

MR. GOODELL: That -- that would be consistent with that number. Now, you mentioned the herd immunity. Is that typically 90 to 95 percent?

MR. DINOWITZ: No, that's typically 95-97 percent.

MR. GOODELL: And then does it vary, then, by disease?

MR. DINOWITZ: I believe herd immunity, we're talking about various diseases.

MR. GOODELL: Okay. Thank you. I appreciate your comments and insights.

On the bill, sir.

MR. DINOWITZ: You're very welcome.

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

MR. GOODELL: Thank you, Mr. Speaker. You may notice that I -- I wear a -- a different pin than many of us. It's a Rotary pin. And I've been a member of Rotary International for nearly 20 years. And the focus of Rotary International, their top priority worldwide, was the eradication of polio with vaccinations. And I felt so strongly about that mission and the value of that mission, that my wife and I have donated literally thousands and thousands of dollars to assist in making vaccinations available worldwide to address polio. And some of us who are a little bit older may even have friends who suffered from polio. And so I'm not here today to argue against the

efficacy or the value of vaccines. I not only support it verbally, we've supported it by opening up our own wallet and helping in fundraising efforts and others. Now, I am at the same time mindful that our country was founded by many people who came here specifically for religious freedom. And there is no doubt that I don't share the same religion as everyone else. And -- and that's the great strength of the United States, is we have a lot of diversity. We have a lot of religious diversity. So although my wife is vegetarian, and so she is always eating kosher, or something close to it - I know there's a special procedure - but I enjoy pork. I don't invite my Jewish friends over for for bacon and eggs, but I enjoy pork. I enjoy beef, but I don't serve it to my Hindu friends. My wife makes sure I work hard on Saturday. But I recognize my Jewish friends consider that to be a Sabbath. For me, I go to church on Sunday. I recognize that blood transfusions have saved countless lives, but I also recognize that my Jehovah Witnesses in my community are not willing to take a blood transfusion even if it would save their life. So, we're called upon to balance these issues. There is no doubt that vaccinations have saved a lot of people a lot of problems, and probably have saved hundreds if not hundreds of thousands of lives. But does that mean that when it comes to religion we only honor the religious beliefs that we agree with? That's a scary concept, isn't it? So how do we balance this? According to New York State Health Department data, less than 1 percent of the students in our schools Statewide have claimed a religious exemption. It's 0.8 percent. New York City, by the way, is 0.43 percent, about



half the Statewide average. As my colleague pointed out, the CDC and the Health Department both tell us that if you have herd immunity -- you get herd immunity if 95 to 97 percent of the people are vaccinated. So, with a very few exceptions - and they've been mentioned - where you have a particular pocket or a particular school that has a high level of unvaccinated students, with those exceptions, the number of people that are taking a religious exemption Statewide would not affect that herd immunity. The problem we're having is that Statewide, it's the other 3 or 4 percent who don't have a medical exemption or a religious exemption, who just simply don't want to do it. Or haven't gotten around to do it or whatever. They haven't taken advantage of the vaccination. That's where our problem is. So, when we're balancing fundamental rights like religious freedom with an important State interest, which is maintaining the health of our population, the Supreme Court has suggested that the legislation should be narrowly crafted to achieve its purpose. A point made by one of my colleagues. And so I would suggest that rather than eliminate everyone's sincerely-held religious exemptions Statewide, regardless of whether it has any public health ramifications in certain communities, that we instead focus our efforts on those smaller areas where you have a critical mass of people that aren't getting vaccinations. And as I am deeply appreciative of my colleagues' comments that those who aren't vaccinated present a risk to others, I'm also mindful that Statewide over 90 percent of the kids are vaccinated. Which means Statewide, over 90 percent of the kids don't need to

worry about getting the measles from a classmate because they're already vaccinated. So for me, balancing those two objectives, I will continue to give my personal cash to the Rotary Club and others to make sure vaccines are widely available to those who wish to take them. At the same time, I will oppose a Statewide ban on religious exemptions, recognizing that in the vast majority of our State those religious exemptions do not affect the herd immunity levels and only interfere with a person's genuinely-held religious belief, whether or not that religious belief is shared by myself.

Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Ms. Jaffee.

MS. JAFFEE: Thank you, Mr. Speaker. I wanted to just talk about this very important issue and the concern that -- that I have. As a former educator, a mom, a grandmother, I know how essential it is for us to care about our children, our youth, their health and their future. And this is absolutely essential. The measles -- measles is a very serious disease that used to be so common in the United States. All too often our youth got the measles and suffered. It's caused by a virus in the air, and it's really quite dangerous. It is one of the most contagious diseases. Fever and rash, cough, runny nose, ear infections. Inflammation in the brain that spreads. Pneumonia. Why would we want to allow our children to have that risk and to become so ill that could impact them as they move forward? Lose their hearing, perhaps not be able to really think and

work as they used to. It's very dangerous. And there are so many of children who suffered this for years and years until we had the vaccinations that were -- became available. You look back in history, my family was impacted negatively. My grandmother lost her hearing. She like became deaf when she after -- she was a little girl and she - and she got the measles. Over and over again, you hear these stories. We have to remember them and we have to realize the truth and the infections that occur for so many of the children. Some of them are fortunate, some -- some just -- they become ill for a little while and they move on. But too many become very, very ill and really are impacted and their future is impacted by the measles. And then we got the vaccinations that became available to be able to protect our children. That's what is so essential. The vaccinations: I know the stories, I've heard them over and over again. Vaccinations, the scientists in the United States and other countries have carefully studied about the vaccinations and they have not found any link between autism and the vaccination. It is not the truth, and we have to push that aside because it is not anything that has been proven in all the studies that have been done. But what has been proven is that when a child is vaccinated they are protected. They are protected from an illness that could impact them forever. And then it could impact others. Just think about the infants that may be nearby and that would -- what happened to that -- the -- their life and the impact -- the health impact on that infant. Or a -- a young adult or a child with another illness that may impact that child in a very, very serious way. Or the

adult who might be pregnant, in a very serious way. We are so fortunate in our society that we were able to -- the scientists that were able to study and come up with a vaccination -- a vaccine that could protect our children from this virus, from this horror. In my district, hundreds -- over 200, I think it came up -- the number of kids who were not vaccinated got the measles. And what was happening was that it -- when they went out to the stores they were being -- they were exposing infants and pregnant women and others who had -- were -- were maybe had a bad cold who then could become ill who might not be -- been vaccinated.

Our children are our future. We need to invest in their lives in a positive way, and really pay attention to medical studies. Pay attention to physicians and the work they have done. Pay attention to the scientists. And then look at our community and protect our children. Protect their future. Assure that they remain healthy. It is so essential and so important. I can tell you the stories that I recall when I was younger of the horror that occurred with too many of our children -- of the children in the community who got the measles. One would assume, *Oh, they had the measles, they're going to be fine next week.* But too many became so ill that it impacted their lives and the future of their lives.

We need to stand together to assure that all of the children in our communities and our State are safe, remain healthy and we protect them. And that's why this legislation is so essential. It will provide so much safety for our children, assuring that they will be able

to, you know, protect -- they will be protected from getting the measles and they'll be able to go to school and stay healthy and not be impacted.

I want to thank our colleague for sponsoring this legislation, and let's move forward and support this and support our children. There were too many kids that I -- when I was teaching that I know when they came to class after they were ill for a couple of weeks very early on what happened to them, stories that were devastating. We need to stand together and protect our youth.

Thank you.

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER AUBRY: Mr. Dinowitz, will you yield?

MR. DINOWITZ: Yes.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. CAHILL: Thank you, Mr. Dinowitz. And before I begin, let me also thank you for bringing this measure before the House. I think it's well worth our consideration. I do have, Jeff, some technical questions and a few other questions I'd like to ask you about vaccinations generally and our role in the area of vaccinations. So, the first thing I want ask you is, where do vaccination laws come from? Are they -- have they always been with us since vaccinations existed, or were they a creation of -- of this Legislature and other

legislatures at some time in the past?

MR. DINOWITZ: I -- I believe vaccination laws have been around for a very long time. The vaccination for smallpox I believe came about around the year 1800, a little before, and at some point there was regulation with respect to that vaccine. Because from the very first days of vaccine, there was always that very paranoid, conspiratorial, anti-science group that -- that opposed vaccines. I think we know that these vaccines saved untold millions of lives. So we have had laws for a very long time, way before any of the things we're talking about today.

MR. CAHILL: Right. And Jeff, I -- I know that the sections of the law that we've been reviewing over the past several months as you have been advancing this legislation revolve around medical and religious exemptions is what the law laid out. Are there any other exemptions in the law from mandatory vaccinations?

MR. DINOWITZ: Not in New York State.

MR. CAHILL: Okay. Are there any in other states, that you're aware of?

MR. DINOWITZ: This is to attend school, we're talking about. This is to attend school. There are religious exemptions and there are medical exemptions.

MR. CAHILL: Okay. So -- so that -- that anticipates my next question. What are the consequences of the failure of a family to have their children vaccinated? Or the failure of an individual to be vaccinated? What are the consequences?

MR. DINOWITZ: In order to attend a school or a day care, you would have to have the child vaccinated. So, if the child's not vaccinated, the child would not be able to attend.

MR. CAHILL: You say a school or day care. Is that just public schools or is it private schools and privately-run day care as well?

MR. DINOWITZ: All schools.

MR. CAHILL: So if a religion -- if a religion established a school and everyone that attended that school adhered to that faith, and that faith had a deep-rooted prohibition against vaccinations, under your bill that school could not exist?

MR. DINOWITZ: Well, I'm not aware of what religion that would be, but the school could exist, but the children would not be eligible to go there unless they were vaccinated.

MR. CAHILL: I'm sorry, I -- Mr. Speaker, I didn't hear him. There was an interruption. Could you repeat that, please?

MR. DINOWITZ: Yes. I said I'm not aware of what religion that is that you're talking about, but the child would have to be vaccinated to attend school unless there was a medical exemption.

MR. CAHILL: Any school?

MR. DINOWITZ: Any school.

MR. CAHILL: Okay. So again, you're anticipating my questions. Are you aware of any organized religions that have strict prohibitions against vaccinations?

MR. DINOWITZ: I am not.

MR. CAHILL: How about those folks who express religious or philosophical objections that are not part of an organized religion but still believe them to be rooted in their faith, in their -- in their religious belief system? How does our existing law work -- our existing law work with regard to those folks?

MR. DINOWITZ: One can simply claim essentially that it's against their religion. That's, you know, that's not the exact wording but that's the impact. But as I said, I'm not aware of what religion specifically bans vaccinations.

MR. CAHILL: But what is the exact wording?

MR. DINOWITZ: The -- you want me to read the section that is being deleted?

MR. CAHILL: Sure.

MR. DINOWITZ: I will.

MR. CAHILL: Well, excerpt.

MR. DINOWITZ: I have a lot of paper here, so give me one second. Do you have it? I have it. I do have it. Okay. Bear with me. I could -- you could ask other questions while I'm looking -- oh, now here it is. Okay. As it says on the board there, Subdivision 9 of Section 2140, which I earlier mentioned, of the Public Health Law -- and mind you, we are talking about the Public Health Law, not the Public Religion Law. This is the Health Law. This is the section that would be eliminated: *This section shall not apply to children whose parent, parents or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein, and no certificate shall be*



*required as a prerequisite to such children being admitted or received into school or attending school.* That's the section that would be eliminated.

MR. CAHILL: So it -- it does not say "personal belief," it specifically says "religious belief."

MR. DINOWITZ: Yes, that's exactly what it says.

MR. CAHILL: Okay. Thank you. Jeff, do you believe that we would be obligated to have a religious exemption of some sort in the law, perhaps not one as broadly interpreted as that one? Do you believe it's a section of law that we must have under our constitutional obligations?

MR. DINOWITZ: No, not in the least. And I -- I will tell you why. And I mentioned it in the Committee meeting. This is from the United States Supreme Court, this is the definitive ruling in this matter. It's Prince v. Massachusetts. *The Supreme Court tackled the issues of religious or philosophical exemptions to vaccine mandates.* It concluded *religious freedom* - and this is a quote now - *does not include the liberty to expose the community or the child to communicable disease or the latter to ill health or death.* So the Supreme Court has ruled on this, and it's pretty clear and unambiguous what the ruling is.

MR. CAHILL: So -- so -- I mean, I understand your interpretation of that, but I -- I -- I interpret it somewhat more narrowly than you did in that you say that that decision precludes us of an obligation to protect religious freedom when it comes to vaccination.

I believe that that court decision says that a state is enabled -- a state has the authority to regulate the public health, and if the public health is in danger, they can take what might otherwise be extraordinary steps even if there are religious connotations associated with it. That is a much narrower view of what that court decision says than you have, but I -- I accept your interpretation. Accepting your interpretation that it's not an obligation to have a religious exemption, do you think it is a good idea to try to fashion a religious exemption? Do you think it's something we ought to be cognizant of -- and -- and I'm asking you not just to wear your public health hat - which clearly, you've pointed out that's what you're doing - but as -- as an elected official sworn to uphold the Constitution, do you believe it would be a good idea to include a religious exemption of some kind or some provision that would assure the protection of -- of religion?

MR. DINOWITZ: I -- I don't think it would be a good idea because I think the primary objective that we should all have, above everything, is to protect the public health, particularly that of children. I certainly don't want to violate what people consider their religious beliefs, although I happen to personally believe that a very significant number of the people claiming the religious objection are, in fact, exercising a personal -- a personal objection that has nothing to do whatsoever with religion, but I don't have any data to back that up. But I do believe that even -- even dealing with religion, the bottom line is we cannot allow -- as this Supreme Court decision has said, we cannot allow people to endanger other people. We can

not allow the public health to be jeopardized.

MR. CAHILL: Thank you, Jeff. I -- I don't disagree with you on the point that many, many people, maybe even the vast majority of people, certainly the vast majority of people who have contacted my office, 95 percent of whom are not even remotely associated with my district, are -- are not expressing religious views, but are using the current religious exemption as a safe harbor for their personal beliefs. So I -- I share that opinion with you, although, as -- as my -- the rest of my comments will reveal, I don't share all of your views.

Thank you very much, Mr. Dinowitz.

MR. DINOWITZ: Thank you.

MR. CAHILL: I appreciate your responses.

Mr. Speaker, on the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. CAHILL: From the perspective of public health, vaccinations are indisputably one of the marvels of the 20th Century. They resulted in a dramatic drop in childhood and infant mortality. Let me repeat that. They have resulted in a dramatic drop of childhood and infant mortality. From the beginning of the 20th Century to the end of the 20th Century, life expectancy in this country nearly doubled. That's not so all over the world. And one of the main reasons it's not true all over the world is lower vaccination rates elsewhere. In some nations - and I'll make this statement twice as well - in some nations it is just as likely that a child will die than that they

will reach adulthood. In some places it is just as likely that a child will die rather than reach adulthood. And then there's the older folks. As a society, we are older and we're healthier and we're more free of the vestiges of communicable diseases than any time in history. Polio, a bullet people my age -- and literally my age, starting the year I was born -- a bullet we dodged, debilitated thousands of people, including some of the older kids I grew up with and our greatest President of the United States for all times, Franklin Delano Roosevelt. Other diseases and their complications and their manifestations are no longer daily headlines in this country. Pull out a newspaper from the early part of the 20th Century and you will see stories of plagues in the United States of America. They don't exist anymore, but yes, there are still those epidemic stories elsewhere. So from a public health perspective, in spite of what self-proclaimed experts say to the contrary, by and large from a public health perspective, vaccinations work. On the personal level, even though my daughters are in their mid-30's and they're mothers themselves, I remember when they were born. And I remember discussions with their mom concerning unique personal health circumstances in our families, about whether a vaccine was right for them. I have an obligation to be clear. I was unsure. Their mother was certain. Of course, our girls were going to be vaccinated, she said. They were, and they are healthy and they are safe and they had full childhoods, and they are great parents themselves right now. Others had different experiences. Family health concerns were greater. Health issues were more prominent or more inexplicable.

Just as my girls' mom was acting out of love and responsibility, so were the moms and dads who don't want their children inoculated. A few, a very, very few have deep-rooted beliefs born of their faith, and even if logic tells them that their kids would be better off, their faith prohibits them from taking that state -- that step. Even if they think it would be better for their kids, their faith tells them they can't do it. And just as we have an obligation to protect the public health, we have, I believe, a fundamental constitutional responsibility to not make laws abridging the freedom of religion.

I respect and applaud the sponsor for the thoughts behind this and many other measures he's championed over his many years in this House. And while I sympathize with those who have legitimate health concerns and feel that the current system provides no medical recourse -- who feel that the current system provides no medical recourse, my vote today does not reflect a sense that they and not society's interest should prevail. Freedom to peaceably assemble does not mean that we can block health clinics. Freedom of speech does not mean that you can say anything, anytime, anywhere without consequences. And freedom of religion is not a safe harbor for personal preferences or even a substitute for scientific disagreement, legitimate or not. But this measure has a fatal flaw, in my view. It makes no provisions whatsoever to respect deeply-held, well-founded religious beliefs that conflict with this public health obligation. It doesn't even try. Even though I support the goals of this bill, I find it my obligation to make no law prohibiting the free

exercise of religion. The first commitment we ever made when we walked in this room, and that constitutional prohibition --

ACTING SPEAKER AUBRY: Mr. Cahill.

MR. CAHILL: -- tells me, and in fact, all of us to vote no. Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Please.

Mr. Sayegh.

MR. SAYEGH: Thank you very much, Mr. Speaker.

On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. SAYEGH: Mr. Speaker, and I wanted to explain my position on the bill. I serve on the Health Committee, and on the Health Committee I made a point of expressing concerns about the bill. And my opinion reflected my longstanding commitment as an attorney to constitutional rights. And I believe in individual liberties as an educator allowing parents to make a choice with regard to the best interests of their children. I also agree with many of my colleagues that have determined that a serious condition exists that really impacts the entire State and possibly the entire nation. And I am someone that has five children that have been vaccinated. And I do agree of the importance of vaccinations. But as explained by many of my colleagues, I have a difficult time with the issue of religious exemptions being taken away. That really defrays on individual rights, and at the same time impacts individual liberties. I've urged

early on two very important points, information that I think all of us needed to have to really make a decision on this very important topic. One was to make sure that municipalities and government in general took every precaution to really monitor and try to get rid of this serious problem. I haven't been given personally that adequate proof. And furthermore, for me to turn against individual and constitutional and religious rights, I needed to see that we had a serious condition on our hands. Many of us talk about epidemics. For some of us, we've reached that point, for some of us we talk about the need to prevent. But this is a drastic determination we will make. And on the Health Committee when I made my position known of being at this time against this bill, I didn't realize I was the decisive vote of whether this would come to the overall Body here before us. And as someone that values not only the right of the majority and the right of the minority, but the right and opportunity to practice democracy and allow us to take these serious issues before us before the entire Body. And I was not for allowing my vote or my opinion to become a decisive vote that would disallow this important issue to be decided and determined by this entire Body. As I said, this is an important issue, and many of us have different varying degrees of concerns from individual rights to parent rights to kids being left out of school, to the need to vaccinate and the need to protect the general public at-large. Therefore, I hope this is an opportunity where we can voice our opinions and look at the various and varying degrees of concern that each and every one of us has, and at the end of this Session make a decision that, again, is in the

best interests of our children and our communities at-large.

I will be voting against this issue, but I encourage you to think this out and make the best decision in the best interests of our community at-large, and keep in mind of what we spoke about: Is it serious enough - and everybody has a different opinion - is it serious enough at this time to take away religious and individual rights? Keep that in mind.

Thank you, Mr. Speaker.

(Applause)

ACTING SPEAKER AUBRY: Please.

Mr. Abinanti.

MR. ABINANTI: Thank you, Mr. Speaker. I very much appreciate the thoughts of my colleagues on this bill. And I think we've had a very serious, rational discussion. There is a lot involved, a lot for us to think about. But let's start off with what this is not about. This is not about whether people should take vaccines. This is not about whether there's good science or junk science or whatever. It's not about vaccines at all. It's about religious rights. It's about whether New York State, which for years has protected religious rights, will take the drastic step of removing from our statutes New York's implementation of the United States Constitution's First Amendment to exercise a religious belief with respect to violating the integrity of your body. This is about whether someone can say, *My body is inviolate*. I believe that deeply and fervently. My body is inviolate, and you don't have, as a government,



the right to take that right away. It's about our implementation of the First Amendment through the 14th Amendment where we, as a State, have an obligation to treat everyone equally without discrimination. It's about whether we're going to tell school districts that they have carte blanche authority to withhold from certain individual students the right to be educated alongside others because of their religious beliefs. So we're saying that if you fervently believe that your body is inviolate and government can't tell you that it should be violated, that government doesn't control your body, that you have a God-given right to control your own body, that you can't be educated. That's why we've had this provision all of these years. And now, for whatever reason, we want to take it away. One of my colleagues made the very valid point that we do have a right to impinge on different people's constitutional rights. But to do that, there must be a compelling State interest. And I want to respectfully suggest that that compelling State interest cannot just be some theoretical belief that we'd be better off one way than another; that we have to demonstrate that right now the exercise of that religious belief is affecting public health. And this bill, no matter how well-meaning it is, is based on the erroneous assumption that the exercise by some 20,000 people in our State -- or maybe 25,000 people -- of their religious belief when it comes to the violation of their right is somehow endangering the public space, is somehow endangering the public. And I want to respectfully suggest we have not seen any evidence of that.

(Applause)

But let's go back -- guys, quiet, please. Respect the Assembly and the way it processes.

What is religion? Well, we've heard that some people believe it's only an organized religion and must -- and somehow we have to tie those beliefs, whatever they are, to an organized religion. But we can argue over what organized religions believe with respect to vaccinations. There have been proclamations by the Catholic Church, the Russian Orthodox Church and even the -- in some Muslim church -- some Muslim.... institutions, all warning people about taking vaccinations because they may contain pieces of abortion or of fetuses or pieces of -- of whatever. But that's not what this is about. James Madison once said, "Religion of every man must be left to the conviction and conscience of every man. And it is the right of every man to exercise his religion as these may dictate." So it is not up to us to determine whether someone is properly exercising that religious right. And because some people may abuse that, that's not a reason to do away with this protection for that right. If some people are seen to be abusing that, let's set up a process to ensure that nobody's abusing that. And, in fact, we have a process. We have school districts now, and we have lots of experience where school districts have been rejecting proposed religious exemptions. But the point before us today is the general issue, should New York allow for people who do qualify, the right to exercise their religion as they see fit.

Now, how do we come to a conclusion that we should -- that we have a compelling State interest to burden these deeply-held

religious beliefs? Well, we all seem to agree that we need to protect public health. But as I mentioned a few moments ago, I have heard nothing that tells me that the current outbreak was caused or in any way related to anyone with a religious exemption. There has not been one instance that has been pointed out to us that anyone with a religious exemption had measles during the last outbreak. And the numbers we've heard from various colleagues, we're talking about religious exemptions of less than one percent of all of the students in the State. Well, there's another 5, 6 percent out there who are just not getting vaccinated. That's not a problem with our law. That's a problem with our health system. Our Department of Health has plenty of tools available to them. Has anybody cited anything from the Department of Health that says they need this legislation? Is this just a cover for a failure to convince parents that they should, in fact -- that they should, in fact, get vaccinated? Fortunately, there have been no deaths.

ACTING SPEAKER AUBRY: Mr. Zebrowski, why do you rise?

MR. ZEBROWSKI: Will Mr. Abinanti yield?

ACTING SPEAKER AUBRY: Mr. Abinanti, will you yield?

MR. ABINANTI: Mr. Speaker, when I'm done, I'd be pleased to yield.

ACTING SPEAKER AUBRY: Mr. Abinanti refuses to yield.

MR. ABINANTI: So we've heard about an outbreak. Now, it's been referred to as an epidemic, or a problem. Well, we're here dealing with law. And there was a Supreme Court judge in Rockland County who actually dealt with the Declaration of Emergency by the County Executive of Rockland County. And that Supreme Court judge said Rockland County has seen 166 cases of measles in a population of roughly 330,000 people. He said as a matter of law that's not an epidemic. And I want to suggest to you that 900 cases or 1,000 cases in the State New York where we have 20,000 -- 20 million people, that's not an epidemic. Using the same standard as the United -- as the Supreme Court judge used.

There's also a -- an assumption underlying this legislation that because someone has a religious exemption, therefore, they are not vaccinated. That is not true. Many have come to the religious exemption question after vaccinations. There are many children who have been vaccinated for measles, mumps and rubella who now have religious exemptions. There's also a wrongful assumption that because you're not vaccinated, you are contaminated. You are contagious. You are a carrier of whatever disease it is. That is also not true. As we noted before, we've yet to see one case of someone with a religious exemption who came down with the measles during this last outbreak. In short, I want to suggest that we have seen nothing that justifies our eliminating a rarely used religious exemption.

And I'm a little concerned by the implications of what

we're doing here. There is a national debate going on right now about whether a woman should be able to control her body. And as the attorney for Westchester Coalition for 20 years -- 18 years, pro bono -- I am very strongly pro-choice. And I have argued very strongly that government has no right telling a woman what to do with her body. And we are talking now about some very forward-looking legislation, trying to decide should we allow surrogacy, and how does that -- how does that impact the rights of a woman? And that's a discussion. Some people say it puts them into slavery. Others say no, it frees them. But the question is, how best to empower a woman to use her body? And then we talk about so many other areas. We're talking perhaps about decriminalizing prostitution. No matter what your view is on that, the issue is, how do we allow a woman to control her body? Why are we now saying that people who are very concerned that government is infringing on their religious beliefs, why are we now saying it doesn't matter whether they get to control their body? Some will say, *Well, they're endangering others and so that overrides this issue.* That's a very slippery slope when you take a look at all of the other issues we're looking at. And as we've seen, we've seen no evidence - and I'll repeat it over and over again - no evidence that anyone with a religious exemption in any way has endangered anyone else. So I'm very concerned about this legislation. I think there are better answers to deal with the problems that we're facing with this spike -- in this one-time spike. You know, I understand the argument that we're trying to increase the number of people in the herd who are

vaccinated. But this does nothing about all of the people who visit our country. And I'm understanding that's how the latest outbreak came, because somebody came from another country somewhere else in the world. And it does nothing about all of the other problems in other ways that measles, for example, or other -- other-- other diseases can be spread. In fact, I heard all of these numbers about unvaccinated in schools. And yet there's been no indication that in any of those schools there were any cases of measles. So we're talking about all of these numbers going around. None of them, none of them related to the issue before us. You know, there's even a case -- and it's interesting to see how people get stampeded. Just recently, New Hampshire -- was it New Hampshire? Yes, New Hampshire, on the basis of one case eliminated the religious exemption. Now it turns out that on that one case it wasn't a case of measles. State officials said recently that lab results show that the live attenuated measles, mumps, rubella vaccine was responsible for the child's symptoms. So the vaccine itself was presented in the child as if the child had measles. So I want to suggest that we be very careful, to take a look at where we are. Our vaccination rates in New York are high and have been steady year after year after year

ACTING SPEAKER AUBRY: Sir, your 15 minutes are up.

MR. ABINANTI: So I just come to the conclusion --

ACTING SPEAKER AUBRY: Sir, your minutes are up.

MR. ABINANTI: Thank you, sir. I will come back.

ACTING SPEAKER AUBRY: Mr. Morinello

MR. MORINELLO: Thank you, Mr. Speaker.

There's been some eloquent discussions and comments on both sides. I have a few simple comments. It appears that they're saying vaccinations work. Well, if they work, what is the fear? There -- it's reported that there has only been .000046 percent of the population that has contracted measles. And these were all in one area, and they have come from someone who went from a different country to this country. If vaccines work, the studies have shown that unless you're in the middle of an epidemic, exposure to one individual that is not vaccinated that has measles by someone who is vaccinated will not contract the disease.

Next, parents have a right and an obligation to their children. If they act recklessly, there are criminal actions that we can take. But at some point I want to present to this Body that we have to stop at the front door of people's individual homes. This Body seems to want to start regulating and legislating for everything that can happen. I grew up in an era where we didn't have as many rules, we didn't have as many laws, we didn't have as many fears, okay? And things seemed to work out fine. I think there's a lot more responsibility we have to put on individuals. But on this particular issue, to take this much time in a State that our infrastructure is crumbling, our budget is excessive, our spending is out of control, for .0006 percent of the population is absolutely a waste of taxpayer

dollars. I think we have more important things to look at. I'm not saying health is not important, but what I am saying is, let's start getting our priorities for our taxpayers. Let's leave individual freedoms alone. And if we attack religious freedom and it's an individual's personal right, then how can we say we can't control a woman's body? This -- this Body here has always said leave an individual's right alone. Thank you very much.

(Applause)

ACTING SPEAKER AUBRY: Eh-hmm-hmm.

Thank you.

Mr. Jacobson.

MR. JACOBSON: On the bill.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. JACOBSON: I think -- today I wasn't going to speak on this, but I think we delved into bizarro world, and I think it's important that we get things back to reality here. We're talking about the public health. I don't think there's anything more important than the public health. Now, all rights under the Constitution are limited. None are absolute. Of course you can't yell "Fire" in a theater. And when it comes to parental rights, there are limitations. We don't allow spanking, using a belt with nails in it. We have rules what's considered humane and not humane. And that absurd, absurd analogy to a woman's right to choose has nothing to do with a one-year-old. A one-year-old has no choice. A one-year-old wants to live and so forth. You can't say that we're -- we're violating that one-year-old's right to



choose to have measles. Now, I was -- I was -- very refreshing to hear that one of our colleagues on the other side of the aisle is -- wants to get rid of polio. Well, I think we should do that as well. If this was happening in another country, if they were debating whether to have these vaccinations that have been around and eliminated so many diseases, if this was happening in another country you would have called that country barbaric. You would say they're out of the dark ages. *What's wrong with that country, why aren't they following the science?*

Now, even religion, even religion is not absolute. If there was a religion or in the name of religion people decide that we're not going to -- we're not going to sell your products to those of a different race because that's what their religion says, we don't allow that. If -- if a church, synagogue, mosque or any house of worship is operating in such a way to cause a public nuisance, we don't allow that. If there was a religious practice that said that we have to burn tires, or we have to pour chemicals into the river or the stream, we don't allow that. So everything has some limits. I think the explanation of -- that was given by the sponsor that really this religious exemption is more of a personal exemption more than anything else, but even if you want to call it a religious exemption, I don't think that any religious exemption should be used to transgress the public good and the public health.

I remember discussing this with other members and they say, *Not my religion, not my religion.* And you say that well,

none of this -- none of the religious exemptions affects people. Well, logically, why do people contact [sic] measles? Because in the first place, they haven't had the vaccination. So, it either affects it or it doesn't.

ACTING SPEAKER AUBRY: Gentlemen, maintain your order, please.

MR. JACOBSON: So, if it doesn't affect anything, and as said before, then those people who are not getting the vaccination are relying on everyone else to have it. And for those few people that can't have it for medical purposes, well, we provide for that.

I just -- sometimes when you look at these issues that we have, I think we all should take a step back from those people that are yelling and screaming and say, *We want this*, and then you get to the other side and, *We want that*. Sometimes when you go home, just think about how it would be if you were not elected, if you were not serving up here. And you read the newspaper that New York State is weakening the laws or failing to strengthen the laws concerning vaccinations, you would say these people in Albany are nuts up there. So, I think that it's a very simple choice to put science and reason ahead of -- ahead of any... religious belief or belief against science, and let's just vote for the public welfare, for the public good and let's support this bill. Let's move on. Let's -- let's make sure that when -- that your children are going to be protected and that that one-year-old who has no clue what's going on, has no clue, will be protected as

well.

Thank you.

ACTING SPEAKER AUBRY: Mr. Dinowitz.

MR. DINOWITZ: You said you wanted to get your second 15.

MR. ABINANTI: Thank you, sir.

MR. DINOWITZ: You're welcome.

MR. ABINANTI: I'll be very brief.

ACTING SPEAKER AUBRY: Go ahead.

MR. ABINANTI: Thank you, Mr. Speaker. I'll be very brief. Thank you, Mr. Dinowitz. I appreciate it. This will not affect our friendship. Believe it or not, we're good friends. We just happen to have a very different view on this issue. And I respect Mr. Dinowitz, who is usually quite astute on things. And even in this case -- no, no -- and even in this case, I respect his views and I understand why he's trying to do what he's doing. But I think there's another side that needs to be stressed. And we're now at a -- at a point where we have to decide. Are we going to change a system that's been in place for a long time? Are we going to oust from school -- maybe as soon as the next couple of weeks if both Houses pass this -- all of those kids who are now attending school who are now relying on a religious exemption and are going to be cast out adrift? What are we going to do with all of those kids who have disabilities, who have religious exemptions? Who need the after-school programs. Who need the programs that they get in school so that they can -- what are we going

to do with all those kids who are in extended school programs who are 18 and 19 and 20 and 21 who have disabilities and have religious exemptions? Kids that can't take vaccinations because of their conditions but have religious exemptions and now will have to flood the doctors' offices to try to get medical exemptions. We're changing the way we have seen things for so many years. And none of these kids, none of these people have in any way contributed to what is being seen as a problem.

So I just want to conclude, Mr. Speaker, that New York State has been a leader in protecting the rights of individuals. We understand that in a democracy, the majority has a responsibility to the minority to protect their rights, and that we've seen nothing that shows that the continued protection of these rights for some 20- to 25,000 people in the State of New York is in any way endangering the rights of the majority.

And I believe there was a question that -- that somebody wanted to ask. If they still do, I will yield to that person.

ACTING SPEAKER AUBRY: It does not appear that that's the case.

Mr. Zebrowski, why do you rise?

MR. ZEBROWSKI: I'll just explain my vote later.  
Thank you.

MR. ABINANTI: Okay. Thank you. Thank you,  
Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Dinowitz to

close.

MR. DINOWITZ: I'm going to read a -- a very short list of medical organizations that are supporting the legislation. The Medical Society of the State of New York, Columbia University Medical Center, the County Health Officials -- Health Officials of New York, the Nurse Practitioner Association of New York State, the American Nurses Association-New York, the New York State Academy of Family Physicians, American Academy of Pediatrics. That -- that's a very partial list. Every medical expert, every medical organization, every doctor group supports this, because their primary responsibility is dealing with the health of the people of the State of New York, particularly the health of children. And this legislation is not about religion at all. That's why it's amending the Public Health Law. It's about health. It's about protecting children who are vulnerable. Children who cannot be vaccinated, children who cannot go outside because they may be exposed to other children -- or adults, for that matter -- who may carry a disease and only carry it because of the fact that they, themselves, did not get vaccinated. They make a choice not to get vaccinated, thereby jeopardizing the lives of other people. Many of you -- or some of you may remember a gentleman who was a colleague here some years ago. He was in the Legislature before I was, but a few of you would remember him, Assemblyman Vincent Marchiselli. He was able to sometimes walk using crutches, but he was usually in a wheelchair. The reason for that is because he contracted polio at a very young age. These days, we don't see people

with polio. Why is that? Because when I was a kid, the Salk vaccine was invented and prevents polio, just as -- just as President Roosevelt had polio. Where -- where is polio now? Vaccines are miracles. They are the miracles of the 20th Century and now the 21st Century. They've saved untold millions of lives. And no one should have to be exposed to a disease, a vaccine-preventable disease. No one should have to be exposed who -- who themselves can't get vaccinated because somebody else makes a choice, a free choice not to vaccinate jeopardizing other people's lives.

I read the line from the Supreme Court, I'm not going to read it again. But the United States Supreme Court was clear on this. The health of other people -- I hate to use this word -- trumps people's right to say that they don't want to get vaccinated or have their children vaccinated. So, I guess it was in the 17th Century, one of the most famous astronomers and physicists, Galileo, he put forth a theory called heliocentrism that the sun, not the earth, is the center. I guess he said the universe, but the sun is the center of the solar system and the earth revolved around the sun. And he was tried as a heretic because of that. Because the anti-science people who know nothing, thought that he was violating their religious beliefs, and he spent the last years of his life confined as a result of that.

You know, there are a lot of people in the United States today and in the past who don't believe in science. There were many people, maybe even today, who don't believe that the earth is anything other than the center of the universe. There are probably

people who don't believe anything other than that the earth is flat.

There are people who believe that evolution is not real, and there are people who believe that climate change is not real and is not made -- caused by people. And there are people who don't believe that vaccines are safe. Vaccines are safe, they've saved millions of lives, and it's -- it's the greatest miracle of medicine that ever existed. And I think that we should vote to protect children, because this is about protecting children.

I believe in medicine and I believe in science and I believe that we need to protect children, so I would urge you to vote yes on this.

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. Eichenstein to explain his vote.

MR. EICHENSTEIN: Thank you, Mr. Speaker, for allowing me to explain my vote. Let me begin by setting the record straight. I'm pro-vaccination. My kids are all vaccinated. My kids attend school that are fully in compliance, as all schools in my district. Furthermore, I, for one, do not believe there's any religious restriction as it relates to vaccinations. Nor have I met a serious religious leader in my community that has raised Halakha Jewish law restrictions with vaccinations. In fact, the entire Rabbinical commune leadership has

been working hand-in-hand with our local municipality, urging the community to vaccinate and we have achieved great results. As the New York City Health Commissioner stated earlier this week, the number of new cases of measles each week is going down. However, my fellow colleagues, let me read to you the First Amendment of the United States Constitution: "Congress shall make no law respecting an establishment of religion." We are here debating something that is beyond the scope of a legislator. Because in America we have a guarantee of religious freedom that surpasses any other nation on this planet. It is dangerous for us to legislate the -- it is dangerous for a Legislative Body to pick and choose when New Yorkers have their First Amendment rights and when they don't. Because in the United States of America we do not legislate religious beliefs.

Therefore, Mr. Speaker, despite my pro-vaccination stance and despite my beliefs that there are no religious restrictions, it is my constitutional duty to vote in the negative.

ACTING SPEAKER AUBRY: Mr. Eichenstein in the negative.

Ms. Bichotte.

MS. BICHOTTE: Thank you, Mr. Speaker, for allowing me to explain my vote on the repeal of the exemption of religious rights from vaccination. This bill has been an equally challenging issue for me because we're talking about public health issues as well as a constitutional issue. Like many of my colleagues, I'm pro-vaccination. I'm pro-intervening in an emergency case in



which has recently happened with the measles outbreak. But I do believe in upholding the constitutional rights of civil liberties to choose and -- to choose to believe. And as you know, religion is under the protected class. Now, as a member of the Health Committee, again, I've read a lot of documents and so forth, but they weren't really much evident [sic] that correlated the religious exemption and the measles outbreak. As my colleague mentioned, this whole bill is not about -- about vaccination. I think most of us are for vaccination. I was vac -- I was vaccinated. I had the measles twice, even after I was vaccinated. But this is not about vaccination. This is about our constitutional rights, our right to choose to exercise our religion. And just because you have religious exemptions, again, that doesn't mean that you're walking around spreading diseases.

I just want to point out, I remember in 1990 the Food Drug Administration [sic] and American Red Cross said that Haitians were the creator of AIDS. Remember that. There were no evidence that we created AIDS. In fact, it was someone or people who came to the country and infected the population. And I know how that felt because there were talks about quarantining Haitians and the West Africans. Today I --

ACTING SPEAKER AUBRY: Ms. Bichotte, how do you vote?

MS. BICHOTTE: Mr. -- Mr. Speaker, today I just want to -- I want to stand today as a pro-vaccinator and a pro-public health person to vote no on this bill and --

ACTING SPEAKER AUBRY: Mr. Bichotte in the negative.

Please, we can't extend. We have two minutes. Please confine your remarks to those two minutes. I will, unfortunately, have to cut you off.

Mr. Zebrowski.

MR. ZEBROWSKI: Thank you, Mr. Speaker. To explain my vote and just to clear up a few of the misconceptions and answer some of the questions that were presented on the floor during the debate. One, the Rockland County Health Department has specifically asked for this legislation and has definitively stated that it would have helped in dealing with epidemic in Rockland County.

Two, whether or not it's led to -- the religious exemption has led to people contracting measles, 80 percent of the cases in Rockland were folks under the age of 18. We have a compulsory education law here in New York State. They're either getting a religious exemption or the evaluation of the religious exemption is so amorphous that it's virtually impossible for the State to evaluate the -- the giving of those religious exemptions. In fact, Rockland County has found severe under-reporting by schools, various private schools, within my county.

And lastly, Mr. Speaker, the CDC definition -- I'm reading from the Principles of Epidemiology and Public Health Practice, Third Edition, Centers for Disease Control, which -- which says that, *An epidemic refers to an increase, often sudden, in the*

*number of cases of a disease above what is normally expected in the population in that area.* The situation in Rockland County is clearly an epidemic via that definition and, therefore, Mr. Speaker, in order to deal with this epidemic and prevent future epidemics, I vote in the affirmative.

ACTING SPEAKER AUBRY: Mr. Zebrowski in the affirmative.

Mr. Barron.

MR. BARRON: Thank you, Mr. Speaker. This is one of the toughest issues I had to vote on. I'm voting no. And those who say that the vaccination is totally harmless, not true. I know families that have suffered after giving their children the vaccination. There is some harm done.

(Applause)

There is some harm done --

ACTING SPEAKER AUBRY: Please. Please.

MR. BARRON: There is some harm done. And you can bring in studies and doctors. But there are people that talked about childhood autism, but they have studies that say no, that's not true. You can find a study to say anything you want it to say. But the bottom line, the real live people that I've spoken to, their children were suffering from these vaccinations. And the pharmaceutical companies are making millions of dollars to push these vaccinations. And in our community, the black community -- although this is not related -- we did have an experiment in America in Tuskegee where they shot us

up with syphilis, and some people didn't even know that was happening. We also question what's happening with the ebola virus and the HIV virus. I don't trust it. And a lot of the people in my community don't trust it. And we do feel for the vulnerable that might be affected by those who don't get vaccinated, but they're some of us that are being affected who do get vaccinated.

So I'm voting no. And I know the majority of the studies and the majority of the polls and all of that say that we should vote yes, but I think that there is a risk with this and we should give the right to parents and the right to individuals to determine that. When they say it's not a First Amendment right because the First Amendment says you can't holler "Fire" in the movie theater, that's not a First Amendment. But no, this is not about hollering "Fire", this is about determining that a vaccination can be harmful --

ACTING SPEAKER AUBRY: Mr. Barron.

MR. BARRON: So I vote no.

ACTING SPEAKER AUBRY: Thank you. Mr. Barron in the negative.

Mr. --

(Applause/Cheering)

Shh. Mr. Fitzpatrick.

MR. FITZPATRICK: Thank you, Mr. Speaker, for allowing me to explain my vote. I'm opposed to this bill, but I want to know -- I want the sponsor to know I admire and respect his passion on this issue. But the people who oppose this issue, many of them

here today, we've spoken to many of them. They're not flat earthers. They're not anti-vaccine. They're not anti-science. They believe in people's freedom to vaccinate their children. They believe that everyone should do what they believe is right for their child. They just want that right respected with regard to how they want to care for their children. Religious liberty is important and must not be infringed. This is an infringement on religious liberty. The health of the community is, of course, of paramount importance. But, as my colleague from Westchester so eloquently stated, there is no evidence that the small number of people who take advantage or use the religious exemption are harming the others.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Mr. Fitzpatrick in the negative.

Mr. Gottfried.

MR. GOTTFRIED: Thank you, Mr. Speaker. I'm a longtime strong advocate for vaccination and for seeking to get as close to 100 percent vaccination as possible. I've strongly supported all of the -- all of the expansions of vaccine mandates that have been enacted, and supported and sponsored efforts to improve vaccination coverage for the -- insurance coverage, rather, for the cost of vaccinations. The First Amendment is fundamental, and we should be very wary of limiting its protections. It's an important part of public health principle that you first do everything you can through education, outreach, persuasion and helping people to do what is

needed before turning to mandates and punishments. The experience with such efforts in Williamsburg and Rockland County shows that good public health campaigns can get thousands more people, including children, vaccinated. Child vaccination rates in New York are within a point or two of 100 percent. That's about as close to complete as we get in human affairs. There are isolated pockets of low vaccination rates in some schools. Good public health practice is to identify those pockets and take steps to promote vaccination before an outbreak happens. And it is in support of those public health principles that I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Gottfried in the -- in the negative.

Ms. Glick.

MS. GLICK: Thank you, Mr. Speaker, to explain my vote. I've heard interesting analogies here. It's great to respect other people's dietary concerns, but that has nothing to do with whether or not you expose people to a communicable disease. There's -- there have been other fairly bizarre analogies, like the right to terminate a pregnancy versus going to school. Now, let's be clear. This is one parent deciding, *I'm not vaccinating my child, but I expect the school system to take my child in, despite the fact that my child, by virtue of not having a vaccination, may infect an entire classroom.* People have used the religious exemption because of a philosophical belief in many instances, and this is about public health. If we believe that it's okay when it comes to measles and mumps and rubella, then why not other

diseases that in an increasingly global community, even if they are not present normally in our society, are brought into our community and we are not necessarily facing a herd immunity? Then what do we do? We tell people, *Well, we're going to take six months to remind people how important it is.* Meanwhile, damage is done.

I -- I am surprised and shocked by some people who don't recognize the need for this, and I respectfully withdraw my request and vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Glick in the affirmative.

Mrs. Galef.

MRS. GALEF: I totally believe that this is a public health issue. And I've told this story before because it's the story of my life. I was living in La Crosse, Wisconsin until I was four -- and actually, if you want to know, that was 75 years ago -- oh, my goodness. Anyway, I'm living in La Crosse, Wisconsin, and the only thing I remember from La Crosse, Wisconsin was being out on the front lawn and having this really big policeman come up to me and say, *Little girl, there's polio around here. Get in the house.* So, I'm sure I ran in the house, I was probably scared to death. And fortunately, I never contracted polio. But I know of so many other people that did during that period of time, and wasn't it great that we finally got a vaccine to try to help us with the polio epidemic? But I'd just like to say -- and I compliment Rotary for what they do, because I have a friend in Rotary that goes to all these countries to give polio

vaccines. But it's starting to creep up again. I mean, you have to watch these things. Just because you think they're nonexistent like measles, they can come back again. And, you know, being that little girl, four years old in Wisconsin, I don't want these little four-year-old girls or boys in our area to fear in any way going to school because they might get -- contract the measles because not enough people are getting their vaccination shots. I think we really have to take this very seriously, make sure that there is no expansion of -- of measles. And we're just starting to see this explosion. It probably isn't epidemic yet, but it can be, you know, in a month or two or whatever.

And so I'm very much supportive of this and I congratulate the sponsor for all of the work that he's done. This has not been an easy task. And certainly, with the very strong advocates on both sides of the issue it has been not been an easy job for any of us. I vote yes. Thank you.

ACTING SPEAKER AUBRY: Mrs. Galef in the affirmative.

Mr. Lentol.

MR. LENTOL: Thank you, Mr. Speaker. I, too, am unapologetically in favor of all vaccinations. I have always been vaccinated my whole life. But unfortunately, with this bill we've gone astray because the vaccinations or the -- I'm sorry, the religious exemptions are not the culprit here. The culprit here is the government, I'm afraid to tell you, that has failed to correct misinformation that is out there, to talk to parents who are out there



and don't understand that there may be junk science that they're listening to. And our government needs to do a better job, to talk with parents and maybe educate them if we believe in -- if we believe in the fact that everybody should be vaccinated, as I do. But to do this, to take away the religious exemption, I think is one of the worst things that we can do in this Body. We're going to make matters worse by suppressing peoples' liberties. That's what we're about here today.

(Applause)

And by the way, suppressing liberty doesn't work anywhere. And we ought not to allow it here in New York or anywhere in the United States of America, a country founded on the principles of freedom and liberty.

(Applause)

ACTING SPEAKER AUBRY: Ladies and gentlemen, please.

MR. LENTOL: Sorry. I get a little excited about this. Not because of the religious liberty argument, but I know that we could have done better with this bill. If we wanted to fashion a true exception to religious exemption, we could have done that. We could have curtailed that exemption --

ACTING SPEAKER AUBRY: Mr. Lentol, how do you vote?

MR. LENTOL: We should have, and I think we may wind up doing it anyway. I vote in the negative.

ACTING SPEAKER AUBRY: Mr. Lentol in the

negative.

Ms. Wallace.

MS. WALLACE: Thank you for giving me the opportunity to explain my vote. I've heard member after member quote the Constitution. Yes, Congress shall make no law respecting the free exercise of religion. But just like every other amendment in the Bill of Rights, there are limits to the free exercise. For example, as the Supreme Court said back in 1878, by way of example, we would never allow someone to sacrifice a human because that -- even if that was someone's sincerely-held religious belief. And even back in 1990, not that long ago, the Supreme Court said you can't smoke peyote even though your religion may require that. So there are limits to First Amendment rights. And the Supreme Court has made repeatedly clear time after time after time that the free exercise of religion may give way to the mandatory vaccination laws because, quote, "A community has the right to protect itself in an epidemic of disease which threatens the safety of its members", end quote. And so when Mr. Goodell eats pork, and others don't, or when Mr. Goodell works on Saturday and others don't, there's nothing --

ACTING SPEAKER AUBRY: Ms. --

MS. WALLACE: -- about that activity that interferes or harms other people. And that's where the line gets drawn. And so as to the freedom to decide whether or not to vaccinate your child, the Supreme Court has also spoken to that and said, quote, "Parents may be free to become martyrs themselves, but it does not follow that they

are free to make martyrs of their children before they have reached the age of full and legal discretion when they can make that decision themselves."

So I proudly vote in the affirmative because I think it's in the best interests of our society to do so, to protect all of those other children who are too young or systems are compromised to get the vaccination themselves. Thank you.

ACTING SPEAKER AUBRY: Ms. Wallace in the affirmative.

Members, we are reminded not to name other members in the explanation of your vote, even if they are charismatic, as the gentleman named is.

(Laughter)

Mr. Burke.

MR. BURKE: Thank you, Mr. Speaker. In this great country of ours, we have the right to practice our religion as we see fit. But we don't have the right to impose our religious values on others in society. And when a potential spread of outbreak and disease is caused by one person or a group claiming exemption and potentially causing the spread, the person who didn't choose that who then catches that disease, they're the victim of having someone else's values imposed on them. And I couldn't think of anything more unAmerican.

I vote in favor of this bill. Thank you.

ACTING SPEAKER AUBRY: Mr. Burke in the affirmative.

Ms. Paulin.

MS. PAULIN: Thank you, Mr. Speaker, for allowing me the chance to explain my vote. I am going to be voting yes on this legislation. You know, we -- we've heard -- I've heard from so many -- listening to this debate, so many of the members in this Chamber have been so articulate in explaining why they are for this bill and why they're against. The reason that I have decided to vote for it is for very much the same reason that I've heard my colleagues vote against it. There's a group of people that they want to protect and, therefore, their vote is no. Well, there's a group of people that I, too, want to protect. I no longer, you know, pick up my children from school. They're well above that age. But I think about my daughter, who has a three-year-old who's about to go to preschool, and then school, public school at some point. And I think, well, if she was pregnant again and picking up that child, what if the immunity -- you know, she's in that age category where we're unsure of her immunity, when they got one shot as opposed to two. We think she's immune. We think a lot of those same individuals are immune. They're of childbearing age now, and, you know, what -- if you catch measles when you're pregnant there's -- you could be -- you could get -- have a miscarriage, stillbirth. There are complications of the child itself, they could develop measles. So where I came come down on this -- and they're bringing their babies who are not immunized until they're a year old. That's the school environment. The school environment is filled with these young women who are pregnant and are bringing babies, and those are

the pop --

ACTING SPEAKER AUBRY: Ms. --

MS. PAULIN: -- that's the population that I've  
decided to --

ACTING SPEAKER AUBRY: Ms. Paulin.

MS. PAULIN: -- come down on. So I vote yes.  
Thank you.

ACTING SPEAKER AUBRY: Ms. Paulin in the  
affirmative.

Ms. Simon.

MS. SIMON: Thank you, Mr. Speaker. I would like  
to address the First Amendment and the free exercise of religion. As  
longstanding Supreme Court case law has held, that a fundamental  
constitutional right falls in the face of a compelling state interest. The  
public's health of its children is such a compelling state interest. In  
Jacobson v. Massachusetts, the Court -- the Supreme Court of the  
United States held that the liberty secured by the Constitution of the  
United States to every person within its jurisdiction does not import an  
absolute right to each person to be at all times and in all circumstances  
wholly freed from restraint. There are manifold restraints to which  
every person is necessarily subject for the common good. On any  
other basis, organized society could not exist with safety to its  
members.

I will be voting in the affirmative. Thank you.

ACTING SPEAKER AUBRY: Ms. Simon in the

affirmative.

Mr. Lavine.

MR. LAVINE: Thanks. I -- I've been torn, and I think many of us are torn. Throughout the entire debate, I've been texting with a friend -- actually, someone I know all his life who I have great respect for -- who wants me to vote no on this bill. But it seems to me that I'm going to vote yes. Now, we -- some have said this isn't about vaccination. But it is about vaccination. At the same time, it is about religion. And the -- the passions -- the passions rise when we discuss anything having to do with anyone's concept of -- of faith. But I think we have to rely on Jefferson's view that there must be this strong and tall wall between matters of state and matters of faith. I am persuaded by listening to my colleagues from Rockland County, which is in the midst of a public health crisis because of measles. And I fear we are at the edge of a cliff, a very deep and a very dangerous cliff. And I fear if we don't act, if we don't pass this bill, that we will make matters worse for every child in the State of New York and every person in the State of New York.

So I'm going to be voting in the -- in the affirmative. And it seems to me that if I'm making a mistake, I'd rather mistake -- make that mistake on the side of public health and the public good. And that's what I've got to say, and I'm voting yes.

ACTING SPEAKER AUBRY: Mr. Lavine in the affirmative.

Mr. Weprin.

MR. WEPRIN: Thank you, Mr. Speaker. I'd like to be excused from voting to explain my vote. I feel that everyone should be vaccinated. I've -- my entire family is vaccinated, but I think there has been no link to the measles crisis and the religious exemptions. As was pointed out, it's a very low percentage of individuals in general in New York State that have a religious exemption. And once we go down this path of repealing religious exemptions, it's a slippery slope. And who knows what the -- the next step will be, and who is to define what someone's religious beliefs are, what's a religious belief to one person or individual or religion is not a religious belief to everyone else. So -- and I do believe that it's in the power of the local health departments and the State Health Department to declare emergencies under existing law and to mandate that everyone be vaccinated in the case of a crisis. And we may be in a crisis, we may not be. But this is not the approach by repealing religious exemptions in the law, which has been in the law for many years.

So for all of those reasons, I withdraw my request and vote in the negative.

ACTING SPEAKER AUBRY: Mr. Weprin in the negative.

Ms. Fahy to explain her vote.

MS. FAHY: Thank you, Mr. Speaker. I, too, have spent a lot of time listening to this, and earlier this year I had also introduce a related bill regarding immunization and vaccines. And

while I think there are a number of cases that have been made or a number of comments that have been raised, what really caught my attention much earlier this year is when the World Health Organization announced that because of the vaccine hesitancy, that we were at risk of a -- a health crisis and that it was one of the ten greatest health crises to world health in general. New York State was the home of one of the largest outbreaks in years. And while I do think there are a number of issues that have been raised -- when my son was an infant, he, too, had a very severe reaction to a vaccine. So I listened very carefully to those who raised the concerns and I shared a lot of hesitancy as my children were growing up but always erred on the side of caution, and that is vaccinating my children. But in the end, what we saw and what we have heard is that what we do in our own personal lives is one thing with our own families, but when we put the rest of the public at risk, it takes on another meaning and it's another matter. And in the end, because of the drops in vaccination rates, I know this bill does not give all the answers we need. I know there is more work to do because the religious exemptions are only one part of this. So there is more work to be done. But in the end, I have to vote affirmatively because I believe that this is in the interest of the public at-large, and that is the safety of the public at-large, and vaccines have been wholly endorsed by the medical community.

And with that, again, I am voting in the affirmative.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Ms. Fahy in the



affirmative. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

(Applause)

Mr. Goodell.

MR. GOODELL: Thank you, Mr. Speaker.

(Booing/jeering/yelling)

(Acting Speaker Aubry banging gavel.)

(Pause)

(Acting Speaker Aubry banging gavel.)

ACTING SPEAKER AUBRY: Ladies and gentlemen, shh. Ladies and gentlemen, shh. Ladies and gentlemen. Ladies and gentlemen.

(Jeering/yelling)

Ladies and gentlemen. Ladies and gentlemen. We appreciate that you have stayed here. We would appreciate you continue to respect the House. You have the perfect freedom to go outside and make the noise you want, but we will not allow it in Chambers [sic]. We are still in Session.

Mr. Goodell.

Mr. Goodell.

MRS. PEOPLES-STOKES: Mr. Speaker, could you please call the House in recess?

ACTING SPEAKER AUBRY: The House will stand

in recess.

(Whereupon, the House stood in recess.)

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ACTING SPEAKER JONES: The House will come back to order.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Mr. Speaker. We are going to go back to where we left off at, on page 15. We'll be starting with 138 by Mr. Palumbo. I will say, though, Mr. Speaker, it's been a long day thus far. We do have a number of bills that we can still get through on consent, and we are going to have to call at least three additional committee meetings. In fact, when I'm done speaking, if you could call the Codes Committee to the Speaker's Conference Room we will start there. And following Codes we will do Ways and Means and Rules.

Mr. Speaker, that's the general order of where we're going this evening. I believe Mr. Goodell has some comments he'd like to make, and call Codes soon as he's done, please.

ACTING SPEAKER JONES: Mr. Goodell for an introduction.

MR. GOODELL: Thank you, Mr. Speaker. As you may recall, I -- I started an introduction before we took a recess, and had such a wild and enthusiastic response I was unable to complete it because the people were so excited to see our former Floor Leader,

Tom McKevitt, joining us here on the floor. And we love it when Mr. McKevitt comes back and sees how smoothly we operate here on the Assembly, how things have changed for the better. And, of course, we are delighted to have him here because we value his counsel, which he is free to share with us at any time.

So if you would again welcome our former Floor Leader, Tom McKevitt, a great friend to all of us here, to the floor of the Assembly.

ACTING SPEAKER JONES: Certainly. On behalf of Mr. Goodell, the Speaker and all the members here, Mr. McKevitt, I'm sure you miss this place, especially witnessing what you just did a couple of minutes ago.

(Laughter)

But, of course, you are always welcome here. You are one of us, you are family. So on behalf of everyone, thank you for joining us. I hope you enjoy the proceedings. And, of course, the privileges of the floor are always yours. So, welcome back.

(Applause)

Codes Committee in the Speaker's Conference Room. Please make your way to the Speaker's Conference Room if you're on the Codes Committee.

Page 15, Rules Report No. 138, the Clerk will read.

THE CLERK: Assembly No. A05806, Rules Report No. 138, Palumbo, DeStefano, Morinello, Friend. An act to amend Chapter 399 of the Laws of 2008 relating to giving certain

Westchester County town boards the discretion to change speed limits, in relation to giving the Town Board of the Town of Riverhead, County of Suffolk, the discretion to change speed limits.

ACTING SPEAKER JONES: Home Rule message is at the desk.

Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER JONES: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER AUBRY: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can now go to our debate list. We're going to take up the bills in this order: Rules Report No. 77 is on page 5 it's by Mr. Abbate. Rules Report No. 163 is on page 29 by Ms. Rosenthal. And Rules Report No. 246 by Mr. Blake is on page 35. Following that, Mr. Speaker, we're going to go to Calendar No. 525 on page 52 by Mr. Ryan, and Calendar No. 536 on page 53 by Mr. Gottfried. In that order, Mr. Speaker.

ACTING SPEAKER AUBRY: The Clerk will read.

THE CLERK: Senate No. S03675, Rules Report No. 77, Senator Gounardes (A04432, Abbate, Colton). An act to amend the Retirement and Social Security Law, in relation to accidental disability retirement for uniformed court officers and peace officers employed in the Unified Court System.

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. DenDekker to -- nope.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 39, Calendar No. 163.

(Pause)

THE CLERK: Assembly No. A07289, Calendar No. 163, Barrett. An act to amend the Real Property Tax Law.

Assembly No. A00456-A, Calendar No. 163, L. Rosenthal, Blake. An act to amend the Business Corporation Law and the Not-for-Profit Corporation Law, in relation to requiring the board of directors of residential cooperative corporations and not-for-profit corporations to provide tenants with changes to the by-laws in writing within ten days of adoption; in relation to notification to tenants of changes affecting occupancy or the rules of

the building.

ACTING SPEAKER AUBRY: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate -- Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect on the 60th 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: Mr. Speaker, just a bit of a glitch on the page numbers that were issued earlier. So, we're going to go to the next bill. It's Calendar No. 246 by Mr. Blake, and it's actually on page 46. And then our second two bills that will be on debate is Calendar No. 525 by Mr. Ryan. It's actually on page 62. And Mr. Gottfried's 536 is actually on page 63.

ACTING SPEAKER AUBRY: Thank you, Mrs. Peoples-Stokes.

The Clerk will read.

THE CLERK: Assembly No. A05175, Calendar No. 246, Blake, Barron, Cook, Crespo, De La Rosa, Gottfried, Hyndman,

Mosley, Ortiz, Pheffer Amato, Pichardo, Richardson, Seawright, Taylor, Walker, Arroyo. An act to amend the Private Housing Finance Law, in relation to establishing an electronic automated system for applications and waiting lists, and to develop a written procedure for applicant selection and rejection.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect on the 60th 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.

THE CLERK: Assembly No. A06062, Calendar No. 525, Ryan, Gottfried, Wright. An act to amend the Insurance Law, in relation to prohibiting the exclusion of coverage for losses or damages caused by exposure to lead-based paint.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Ryan.

MR. RYAN: This bill would prohibit a practice called the lead poisoning exclusion that's currently found in most general liability insurance policies. Currently, the Department of Financial Services specifically allows an insurance company to write general liability policies that specifically exclude lead poisoning

claims from their coverage.

ACTING SPEAKER AUBRY: Mr. Goodell.

MR. GOODELL: Thank you very much. Would the sponsor yield?

MR. RYAN: Yes, I will.

ACTING SPEAKER AUBRY: Mr. Ryan yields.

MR. GOODELL: Thank you, Mr. Ryan. It's my understanding that over the last several years, the incidence of lead being detected in children has dropped dramatically. I saw there was an 84 percent drop from March 2009 to 2000 -- I'm sorry, from 2004 to 2009. Well, what is the percentage of children that have any indication of lead currently?

MR. RYAN: It's interesting, Mr. Goodell. So Statewide, the numbers of people poisoned have dropped, mostly because of lead awareness programs. But -- but here -- here is what the statistics don't show. In cities like the City of Buffalo, Reuters recently did an investigation where they found that four zip codes in the City of Buffalo had over 40 percent of the children who were tested tested for high lead levels. So it appears as though the lead poisoning problem in New York State is mostly defined in clusters. And it's defined in clusters where there seems to be a perfect storm of aging housing stock combined with poorly maintained housing stock. So you'll see in cities like Buffalo, Syracuse, Utica, Binghamton, really high lead poisoning rates. But you won't see those rates in the suburbs, because mostly after 1978 when the paint was stopped being



used widely, no new-build constructions happened anymore. So the newer-built, the better-maintained houses, less of a problem because of the awareness. The poorly maintained, older rental stock, more acute problem because while there is awareness, there's nothing in the virtuous economic cycle which would make any landlord do repairs to their premises.

MR. GOODELL: And, of course, this bill doesn't impose new standards on landlords, does it?

MR. RYAN: It doesn't impose standards. But you have to understand the history of the exemption. So, throughout the history, the Department said, *We don't allow lead exemptions*, and then they allowed lead exemptions. Now we're back to not allowing lead exemptions. So for nearly 20 years, you know, landlords have gotten insurance policies. They pay the money to their insurance company, someone gets poisoned on their premises and they submit a claim. And guess what the landlord's told? *You have to go to page 46 in the small print, and in that small print it says we don't cover lead poisoning claims*. So that leaves the landlord in a lurch for a product they thought they were paying for, but more importantly, the family of the child who was poisoned is left with no recourse. And guess who pays for that, Mr. Goodell? Every taxpayer of New York State. So we are paying for the medical and the hospitalization for kids who are poisoned by lead. We then pay for special education services for children who are poisoned by lead. And God forbid if the poisoning is severe enough, we pay for VESID services for that, all because the

Superintendent and the Department have allowed insurance companies to specifically not cover this injury. They don't allow them to say, *We're not going to cover trampoline injuries. We're not going to cover slip and falls on stairways. Just lead paint.*

MR. GOODELL: So my question, then, is a little bit of a follow-up. Is there a recognized cause of action by a tenant against a landlord for the presence of lead?

MR. RYAN: Yeah, there is a recognized cause of action. Most cases don't proceed not because of lack of proof, because of lack -- lack of money. No one's going to sue a landlord for a value of a house, especially the housing stock we're talking about. Often, the rental properties are valued at under \$50,000. So usually when there's no insurance coverage, the -- the lawsuit disappears. So ordinarily when the response comes back that there's no insurance company -- no insurance coverage, the claim goes away.

MR. GOODELL: It's my understanding that most of these policies are written on a 36-month time period, a three-month -- or a three-year period. But this bill only applies -- applies and becomes effective in 26 months. Why 26 months rather than a typical 36-month insurance policy?

MR. RYAN: We chose 26 months for two reasons: One is to get the word out there to all the insurance companies, and because it's my understanding the policies are generally written on a 24-month basis, not a 36-month basis. So we chose 24 and added two months for -- for lead time.

MR. GOODELL: Well, what I've been told by the American Property Casualty Insurance Association is that it's a mandatory three-year policy term under current law. Shouldn't this then track that time period rather than trying to impose new standards in the middle of a contract term?

MR. RYAN: Yeah, that's not my understanding. My -- my understanding is the practice is -- is 24 months.

MR. GOODELL: Now, also, the insurance industry has said that they believe that this will have a major impact on premiums. Have you been in contact with any of the insurance companies and getting an idea from them what kind of an impact it would have on insurance premiums?

MR. RYAN: I have spoken to them, and they voiced concern that this could make premiums go up. And I did ask for any data or any idea of how much and the answer was, you know, *We don't have that data, but we think it's going to make it go up.* I did remind them that for, you know, decades in New York State this coverage was a routine part of -- of insurance, but it was really through successful lobbying that by administrative action they were given permission, you know, not -- not to cover this particular claim.

MR. GOODELL: Now, even with this bill in place, landlords have no obligation to purchase insurance, correct?

MR. RYAN: No. They don't have any obligation. Most landlords, you know, do purchase insurance. Primarily because instead of -- not because of claims from injuries, but because of if

there's a catastrophic loss or a fire on the property. And as you know, Mr. Goodell, anybody who carries a mortgage is required by their bank also to carry insurance.

MR. GOODELL: Well, the only thing a mortgage carrier requires is casualty insurance, not liability insurance. But this is not changed by this, correct?

MR. RYAN: It is not.

MR. GOODELL: Okay. Thank you very much, Mr. Ryan.

On the bill.

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

MR. GOODELL: I appreciate Mr. Ryan's focus on addressing lead. As you know, we've had other bills addressing the lead content in drinking water and other efforts. And, thankfully, the amount of lead exposure has dramatically. Over the last several years we've seen a 64 percent drop, which is very positive news. Unfortunately, what happens is if you require this insurance, we've been advised by the insurance industry that there will be a significant increase in the premiums. And when that happens, two things happen: First, if the -- a lot of the landlords simply won't buy liability insurance. And the very landlords who won't buy liability insurance are the very landlords that were identified by my colleague as having older housing stock that's not well-maintained because they don't have much at risk. And when the cost of insurance goes up, the number of

people that buy it goes down. The second thing that will happen is for those that do buy insurance, the increased cost will be passed on in the form of higher rent. And, of course, that higher rent creates a new burden for the tenants. And as my colleague pointed out, those are typically tenants that are in older houses where the rent would normally be lower because they can't afford a higher rent. And so there's unintended consequences on this that go well beyond the initial intent of the bill.

And so while I certainly appreciate and support the desire to reduce lead exposure and am very thankful we're making tremendous progress, I'm hesitant to support a bill that would kick in in the middle of a policy period, in violation of the US Constitutional Contract Clause, would have a major impact on premiums, and as a result, a major impact on rents.

Thank you very much, sir. And thank you to my colleague.

ACTING SPEAKER AUBRY: Mr. Ryan.

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

ACTING SPEAKER AUBRY: On the bill, sir.

MR. RYAN: So, there are definitely increased costs associated with lead poisoning. But right now, those costs are going to the taxpayers. So we're, in fact, subsidizing the insurance company for injuries that should be covered by them. So I understand the concept of increased costs, but I prefer to put those increased costs off the taxpayer back and on to the insurance companies where they

should be. And then there's an intentionality behind this bill, and there's going to be *intended* consequences. And the intended consequences are to create a virtuous economic cycle. And right now in lead poisoning cases, there is no virtuous cycle. So usually, supply and demand and regulations are used to fix dangerous problems, but in this case the cycle is substandard housing. A child's poisoned. The child moves out of the house. Another child moved in, and that child is poisoned. So nowhere in the mix is there any incentive for the landlord to make repairs and to fix the conditions that lead to lead poisoning. The insurance company gets a claim and denies it, and then there's no incentive. So if you compare that to a landlord who has a situation with, say, a dangerous staircase, there's an injury, there's a claim and the insurance company says, *We're not rewriting your policy unless you fix that dangerous condition*. So we want to put in the cycle an acknowledgement of the dangerous condition, and then have the insurance company say, you know, *You'll get a discount if you do have a lead-safe house, just like we do with smoke detectors*. So we're going to put this into it, and I am confident that by doing this, we will take the cost off the taxpayers for this lead poisoning. And secondly, we will reduce the incidence of lead poisoning because there will be finally an incentive to keep properties in good repair.

Thank you, Mr. Speaker.

ACTING SPEAKER AUBRY: Thank you, sir.

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.

THE CLERK: Assembly No. A06983-A, Calendar No. 536, Gottfried, Paulin, Niou, Perry, Hevesi, Sayegh, L. Rosenthal, Simotas, Kim, Quart, Epstein, Mosley, Aubry, Jaffee, D'Urso, Walker, Cruz, Steck, Perry, Dickens, Hunter, Arroyo, Crouch, Ortiz, Reyes, Cook, Simon, Raynor, Walczyk, Rivera, Seawright, Lifton, Fernandez, Glick, Blake. An act to amend the Criminal Procedure Law, in relation to vacating convictions for offenses resulting from sex trafficking, labor trafficking and compelling prostitution.

ACTING SPEAKER AUBRY: An explanation is requested, Mr. Gottfried.

MR. GOTTFRIED: Yes, Mr. Speaker. In 2010, we were the first State in the Union to pass a law about vacating convictions that -- for prostitution that resulted from a person being sex trafficked. Within a couple of years, a whole bunch of states copied our law, and within a couple of years after that, a whole bunch of states broadened their laws well beyond ours. And so we are now -- what this bill does is kind of catch up with a lot of states. It makes four or five major changes in the law. One is that within the discretion of the judge, a motion can be granted vacating conviction for any

offense that results from somebody being sex trafficked, labor trafficked, et cetera. It repeals a -- a requirement that the motion for clearing up the criminal record be made with due diligence. It provides that the paperwork in the motion can be kept confidential. It allows for the consolidating of motions, because very often there may be different offenses being cleared up in -- in -- in more than one jurisdiction. And finally, it provides some boiler-plate language that the vacating of the conviction shall be deemed to be on the merits. And that is important so that the vacating of the conviction has more legal value for the trafficking victim going forward. This is all about enabling victims of trafficking to clear up criminal convictions from offenses they were coerced into so that once they are freed from the chains of trafficking, they can really get on with a - with a productive life.

ACTING SPEAKER AUBRY: Mr. Goodell.

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

ACTING SPEAKER AUBRY: Will you yield, Mr. Gottfried?

MR. GOTTFRIED: Absolutely.

ACTING SPEAKER AUBRY: Mr. Gottfried yields.

MR. GOODELL: Thank you, Mr. Gottfried. As you correctly pointed out - thank you for that explanation - that the current law allows for motion to vacate a conviction if it's directly related to elicit sex offenses if the perpetrator - the defendant, if you will - was a



victim of sex trafficking. I think that's the current law. And you said this expands it to cover any conviction related to that individual. Is that correct?

MR. GOTTFRIED: In the discretion of the court, yes.

MR. GOODELL: And so just as an example -- well, perhaps you can give us examples of other convictions that were unrelated to sex trafficking that this would now open up for a motion to vacate.

MR. GOTTFRIED: Well, for example, a trafficking victim may have been compelled to participate in drug offenses. Or shoplifting or holding up a store. Or, you know, any number of a variety of things that someone could have been coerced into being part of. The important thing to remember is that the -- the preface to this section, the lead into it which doesn't appear on the page in the bill but is in the Penal Law, makes the whole thing in the discretion of the judge where you make the motion.

MR. GOODELL: So, look -- looking at your examples, there's no limitation, then, on what other convictions might be vacated as long as it was in the discretion of the judge?

MR. GOTTFRIED: Correct.

MR. GOODELL: And so there's no limitation for serious felonies or other crimes? It covers all other convictions?

MR. GOTTFRIED: That is correct. Because there's really no limit on what traffickers can compel people who are

essentially their slaves to commit. I mean, basically these are often -- trafficking victims are -- are -- are, you know, under the total control of -- of the trafficker and are really not acting out of anything close to free will. But again, it's all in the discretion of the judge.

MR. GOODELL: Now you mentioned this also eliminates any due diligence requirement. Is that correct?

MR. GOTTFRIED: I'm sorry, can you say that again?

MR. GOODELL: You indicated that this also would eliminate any due diligence requirement?

MR. GOTTFRIED: Yes. The law currently requires that once the -- the trafficking victim is -- is out of trafficking and is -- is no longer receiving supportive services, et cetera, and is out of danger, the motion must be made with due diligence. That really doesn't serve any purpose except to be restrictive. So the bill would take that out.

MR. GOODELL: So a motion could be made to vacate these convictions possibly years later, then.

MR. GOTTFRIED: Conceivably. Obviously, the longer the -- the victim waits, the more difficult it will be to make his or her case. But it may also give the person an opportunity to demonstrate to the judge that he or she has changed his or her life. But in any event, the due diligence requirement doesn't really serve any purpose. It's not common, as far as I know, in -- in other record clearance pieces in the law, and so we would be deleting it.

MR. GOODELL: Is there any requirement under this bill that the person that was the sex trafficker be arrested or convicted of sex trafficking in order to trigger this?

MR. GOTTFRIED: No, because that may or may not have been the case. It may or may not -- it may well be very difficult for the victim to demonstrate. There would have to be a -- a clear finding that -- that the offenses were the result of trafficking, but the -- the trafficking perpetrator may be unavailable, may be dead. Any number of reasons why there might not be a record of conviction of the trafficker.

MR. GOODELL: Thank you very much, Mr. Gottfried. As always, I appreciate your -- your thoughts and your clarifications on this bill.

On this bill, sir.

ACTING SPEAKER AUBRY: On the bill, sir.

MR. GOODELL: Many of us are very concerned about crime in our community, and understandably so. We're also, of course, sympathetic to the victims of sex trafficking. What this bill says is, as was explained by my colleague, is that a victim of sex trafficking, in the discretion of the court, could get a free pass for any crime. As my colleague noted, that would include holding up a grocery store or knocking off a liquor store or engaging in assault. And since there's no limit at all in this bill, it could even include things like another rape or kidnapping or extortion or -- or even murder. And so we now raise a new defense, and the defense is, *Sure, I kidnapped*

*this other woman and I brought her in, but I was asked to do so or forced to do so by my pimp.* So what's that mean to the average New York resident who doesn't want to be held up on the street corner at gunpoint or at knifepoint or be assaulted or attacked? This gives a free pass. All the -- the defendant has to do is say, *Hey, I'm a victim of sex trafficking.* Don't have to have the pimp arrested. Don't have to identify the pimp. Don't have to file a police report. And instead, you can say, *Hey, I'm sorry I killed your grandmother. It was a robbery. She didn't have as much money as I thought. But I'm a victim of sex trafficking and, therefore, I should have my conviction vacated.* And it goes on. You don't have to make that motion right away. You can wait years. We've eliminated any requirement that the motion be made with due diligence. And to cap it off, that motion, even if you've been previously arre -- arrested and convicted -- this is a 440 motion. So this is after you've already been arrested and convicted. You can make the motion to vacate it, and if the motion is granted it is as though you were acquitted.

So it's a great thing if you're involved in this type of criminal enterprise. It's a horrific thing if you want safe neighborhoods and don't want people getting an excuse for committing horrific crimes without limit against any of our friends and our neighbors and others in our districts.

Thank you, sir. And again, thank you, Mr. Gottfried for your explanations.

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.)

Ms. Cruz to explain her vote.

MS. CRUZ: Thank you, Mr. Speaker. As a former investigator of labor trafficking for the Department of Labor, I want to thank the sponsor of the bill because I have seen firsthand what it means for a person who has found themselves as a survivor of trafficking to have to go through a criminal justice system, and the types of crimes that sometimes get committed and that they're forced into because they are compelled. Because their -- their identification is withheld. Because they are doing this against their will. And -- and on behalf of the unfortunate thousands of victims that are out there and that we've yet to find, I want to thank the sponsor. I'm going to vote in the affirmative because I know that in the next ten years this is going to change the lives of thousands of people.

Thank you.

ACTING SPEAKER AUBRY: Ms. Cruz 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: Mr. Speaker, if you

could please call Ways and Means to the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Ways and Means Committee, Speaker's Conference Room. Ms. Weinstein awaits.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, we're now going to go -- continue our work with Rules Report [sic] No. 68. It is on page 33 [sic] and it is by Ms. Richardson. Then we're going to go to Calendar No. 416. It's on page 55 by Mrs. Gunther. And then Calendar No. 504 on page 60 by Ms. Jean-Pierre.

(Pause)

THE CLERK: Assembly No. A01527, Calendar No. 68, Richardson. An act to amend the Correction Law and the Penal Law, in relation to temporary release eligibility for judicially-ordered comprehensive alcohol and substance abuse treatment.

ACTING SPEAKER PICHARDO: An explanation has been requested, Ms. Richardson.

MS. RICHARDSON: Thank you, Mr. Speaker. This bill will expand the definition of eligibility for temporary release programs to include inmates who were judicially ordered to CASAT.

ACTING SPEAKER PICHARDO: Mr. Goodell.

MR. GOODELL: Thank you very much. Will the sponsor yield?

MS. RICHARDSON: Yes, I do.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. GOODELL: Now, am I correct that under current law, if you can through a comprehensive alcohol and substance abuse program --

ACTING SPEAKER PICHARDO: I'm sorry, Mr. Goodell.

MS. RICHARDSON: I can't hear him.

ACTING SPEAKER PICHARDO: Members, we're on debate. Please keep your noise to a minimum. Thank you.

My apologies, Mr. Goodell.

MR. GOODELL: It's my understanding, Ms. Richardson, that under current law, if an inmate goes through a comprehensive alcohol and substance abuse program and they would be eligible for release on parole within two years, they can be, under the current law, eligible for a conditional release. Is that correct?

MS. RICHARDSON: No, it is not, Mr. Goodell.

MR. GOODELL: So, how -- how's the current law operate?

MS. RICHARDSON: Well, what this bill would do specifically, Mr. Goodell, is that when an individual is judicially ordered by a judge to CASAT, currently they're only allowed to complete the first phase of a three-step program. This is a, you know, treatment program for individuals who have substance abuse and other, you know, type of abuses, alcohol or drug abuse. So if we're only allowing them to do the first step of the three-step program, it is extremely disruptive. And so what we want to do is allow individuals

to go on to the second step, and then with that they'll be able to participate in work release, which will allow them to successfully transition back into society. And as you do know, Mr. Goodell, before you continue to question me, we have a severe opioid and drug, you know, epidemic here in the State of New York. So this bill is extremely beneficial to so many people that we all represent.

MR. GOODELL: So, let -- I'm just trying to make sure I understand this. So, in order to be eligible for a work release under the current program, you have to be within two years of your parole eligibility. Is that correct?

MS. RICHARDSON: I'm sorry, Mr. Goodell. Can you repeat the question?

MR. GOODELL: Certainly. Under -- under current law - and I'm looking at Section 60.04, subparagraph 6 of the Penal Law - an individual has to be within two years of their parole date in order to be eligible for work release, correct?

MS. RICHARDSON: Currently -- I mean, currently, yes, Mr. Goodell. But if you read the text very carefully, this is a judicial order by a judge of this particular inmate. And so it is extremely disruptive for the inmate that a judge who looked at all of the facts of this person's case ordered them to this type of drug treatment, but we are only allowing them to complete phase one and not go on to phase two. But in addition to that, Mr. Goodell, phase two is the work release portion of it. And if someone has more than two years remaining on their sentence they will not be released early.



They will just continue to go through work release until their parole eligibility date. So really, we're not doing anything other than expanding this definition so that people can get the proper treatment in the State of New York, and so that we can have lower recidivism rates and have individuals transition successfully back into society.

MR. GOODELL: So, using an example, let's assume you have an inmate who might have multiple charges, right. That's not unusual. You might be convicted of a drug-related charge, but you might also be convicted of some other charge, assault or robbery or burglary, which is often the situation with those who are abusing drugs. They have multiple charges. And you could then have a sentence that is quite extensive. For the purposes of this discussion let's say it was a ten-year sentence, reflecting the multiple charges. Under current law, you would not be eligible for work release until you've completed your alcohol and substance abuse program that would be court-ordered, and you're within two years, which means your earliest eligibility for work release, assuming you were eligible for parole after -- after ten years, would be after eight -- after serving eight years, right? And then you'd be eligible for work release for the last two. Under this, if they took the alcohol and substance abuse in year one, they'd be eligible for work release as soon as they completed the program, correct?

MS. RICHARDSON: Well, Mr. Goodell, you said a lot of statements and asked a question in the be -- end, so I'm going to clarify your statements. Number one, it is clearly written in the bill

that no one who is a violent felon or a violent offender would be allowed to participate in this program. That includes sex crimes or homicide. Number two, Mr. Goodell, as you are well aware, there are several crimes that fall in the violent felony category which actually do not actually carry any violence to them, such as Burglary in the Second Degree. But, Mr. Goodell, as previously stated, this is only to amend judicially-ordered inmates. So, this is something that a judge, a person who is sitting on the bench who has reviewed all of the facts about this individual, and they have made the determination based upon the crimes that they are being charged for, to order them to this particular program. And again, Mr. Goodell, if a person has, let's say, for your example, ten years and they do this program within the first year, they would remain on work release until their parole eligibility date.

MR. GOODELL: And why -- do you have any idea why the current program only makes them eligible for work release after they've served all their sentence except for the last two years?

MS. RICHARDSON: No, Mr. Goodell. But what I do know is that with any kind of treatment program, we are all aware that to start something and then to stop it midway is extremely disruptive in someone's progress. And I think that we, as members of the State Legislature, owe it to those that we represent to ensure that everyone is getting the proper care and the continuity of that care that they deserve. And so with this bill we will be doing that and addressing that in a positive manner.

MR. GOODELL: Thank you very much for your explanation.

On the bill, sir.

MS. RICHARDSON: Thank you.

ACTING SPEAKER PICHARDO: On the bill, Mr. Goodell.

MR. GOODELL: First, just to be clear, this current program involves a situation where the judge makes an order that the inmate be provided with a substance abuse treatment program while serving time in the State penitentiary. But the current program also recognizes that before we authorize inmates to go out on work release or a conditional release or a similar program, they need to serve at least a minimum amount of their sentence. And the minimum amount under current law is up to two years before their parole eligibility. So, a simple example: Someone might be sentenced to ten years, they might be eligible for parole after eight. Under the current law, they could get out on conditional release in six. Under this bill, right after they take the judicially-ordered substance abuse program, they would be immediately not only eligible, but this would direct that they be in a conditional work release program. It's a great thing if you're an inmate that's in there for an extended time period. And I used an example of ten years; it could be 15, it could be 20. If you're sentenced for 20 years and you're not eligible parole -- for parole until 18, you can get work release after your first year when -- as soon as you finish this program. There's a reason why we have this balance, and -- and

obviously, the fundamental reason is we want inmates who have been convicted and sentenced for an extended time period serve at least a minimum sentence in -- in prison. There's another aspect to it as well. In addition to going through the -- the substance abuse treatment program, which is a very valuable program and one that I support, with a little bit of luck the prison is successful in minimizing contraband, which gives the inmate having completed this program substantial time period as well to remain clean, dry and sober while in prison before out on work release where the availability of drugs or other intoxicants is much more available.

So I appreciate the sponsor's desire to provide continuity of service and get these inmates out on the street as soon as possible with a conditional work release, but I think the current program has the right balance of requiring a certain amount of time be served before you're eligible for work release, making sure that you complete the program successfully before you're on work release, giving you time to make sure you're clean, dry and sober before authorizing the work release and putting these people back out in the community.

Thank you very much, sir. And again, thank you to my colleague.

ACTING SPEAKER PICHARDO: Certainly.

Read the last section.

THE CLERK: This act shall take effect on the 60th day.

ACTING SPEAKER PICHARDO: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Richardson to explain her vote.

MS. RICHARDSON: Thank you, Mr. Speaker. You know, I'm extremely proud of us as a Legislative Body for taking action today to really help individuals who are struggling with addiction to get to a positive pathway towards recovery. You know, allowing inmates who have been judicially-ordered to substance abuse treatment programs to be reintegrated back into society through work -- work release programming is extremely important. It's important for my colleagues to also know that the CASAT program is heavily monitored by the Department of Corrections. And if an inmate is receiving work release, they will be heavily monitored. They're only out for 14 hours a day, they have to return back to the facility in the nighttime. And any one glitch in the system, they would be revoked from the program immediately. I think it is our responsibility to continue to, you know, revamp the criminal justice system and help -- help to judicially divert those who are really in need.

And with that I vote in the affirmative and I stand very proud and tall in doing that. Thank you.

ACTING SPEAKER PICHARDO: Ms. Richardson in the affirmative.

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I

want to applaud the sponsor of this bill. This is a fantastic topic to be talking about. And -- and there's so much more. Alcoholism and substance abuse has -- has taken over our society. What most people don't know is that 40 percent of all the inmates in jail right now were under the influence of alcohol or drugs at the time of their offense. They -- we have people that have problems with alcohol and drugs, and that needs to be addressed. And if we were to help people with their underlying problem of alcoholism and substance abuse, they probably would have never had any kind of criminal interaction whatsoever. So, I think this is a fantastic way of allowing people that have an issue with alcohol or substance abuse to be able to get the help they need to transition back into a work release program as soon as possible under those strict guidelines that have been laid out in this bill, and to be able to help people to -- with their actual underlying problem.

I think this is a great bill, I applaud the sponsor. I hope each and every member of this Body will vote positively on this bill, and we have to do more to help people that are suffering from alcoholism and substance abuse, starting with early education, starting with prevention and then also having more treatment available. This is a great bill, and I'll be voting in the affirmative.

ACTING SPEAKER PICHARDO: Mr. DenDekker 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: Mr. Speaker, could you please call the Rules Committee to the Speaker's Conference Room? Rules Committee to the Speaker's Conference Room.

ACTING SPEAKER PICHARDO: Rules Committee, Speaker's Conference Room. The Speaker is on his way as we speak. Rules Committee, Speaker's Conference Room.

The Clerk will read.

THE CLERK: Assembly No. A05306, Calendar No. 416, Gunther, Ortiz, Zebrowski, Wallace, Williams, Glick, Galef, D'Urso, Blake, Santabarbara, Montesano, Abinanti, Gottfried. An act to amend the General Business Law, in relation to the use of voice recognition features.

ACTING SPEAKER PICHARDO: An explanation has been requested, Mrs. Gunther.

Quiet in the Chamber, please. We are on debate, members.

MRS. GUNTHER: This bill prohibits Internet-connected device manufacturers from selling voice recognition data or using it for advertising purposes.

ACTING SPEAKER PICHARDO: Mr. Ra.

MR. RA: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER PICHARDO: Mrs. Gunther, do

you yield?

MRS. GUNTHER: Yes.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. RA: Thank you very much. Just a few questions as to the operation of this. Obviously, these types of devices are becoming more in widespread use, and with -- with that comes the issue we're dealing with today and trying to find ways properly to, you know, enact statutes and -- and regulations to -- to address things like privacy concerns. So, I'm just wondering, how does this differ -- I know there may be some Federal laws that would govern the ability to, you know, to transfer or sell this information. Is this in addition to those? Does it mirror the Federal regulations?

MRS. GUNTHER: California has done this and we're kind of mirroring it -- mirroring that regarding voice recognition.

MR. RA: Okay. So it's -- it's an approach that is --

MRS. GUNTHER: They've also done it for, like, Smart TVs. I know that my sister often says when she has Alexa on, she'll say, *Alexa, tell me something about a new phone*. And then all of a sudden a little bit later on her telephone, she has advertisements for all the new smartphones that are available.

MR. RA: Okay. Now, would -- would the provisions of this completely prohibit that, or -- or would it be that they have to notify the consumer that that is -- is taking place?



MRS. GUNTHER: So, you have to notify that you're collecting this kind of information and you are not allowed to sell it to any kind of manufacturers, et cetera. So it protects the individual so that we don't get those calls, and it does protect our privacy.

MR. RA: Okay. And -- and, you know, my understanding is the way some of these devices -- you know, you mentioned Alexa, and that's obviously one of the more widespread ones in use. I know I have a couple of them in my house. It kind of, you know, takes information, kind of -- the information streams through it or it listens until it hears its trigger word, and then it actually picks up on -- on the request of the user. So, you know, but it always has to be listening, so to speak, to catch that trigger word.

MRS. GUNTHER: I think the biggest concern is that they're always listening.

MR. RA: Oh, I -- I -- I would agree but that -- but it has to be listening to -- to pick up the trigger word. And my understanding is then what it will record is when you've actually said the magic word "Alexa" and the request that's it's gotten. So would this impact in any way for it to be able to listen for that -- that trigger?

MRS. GUNTHER: No.

MR. RA: Okay. And just give me one second.  
Okay. I think that's all I have.

Mr. Speaker, on the bill.

ACTING SPEAKER PICHARDO: On the bill, Mr.  
Ra.

MR. RA: Now, as -- as I mentioned -- and -- and certainly, you know, I commend the sponsor for -- for trying to work on -- on this issue. This is a technology that although it's been around a couple of years it's still relatively new and it's starting to make its way into all kinds of different devices; televisions as was -- was mentioned, and all these things are kind of like strung together. You know, I just got a -- I just got a new TV that, you know, works with the -- the whole Amazon stuff so then it can link in with -- with my -- with my Echo and -- and all of that. And, you know, it provides great convenience, but with that becomes -- comes, certainly, data concerns and what -- you know, what is actually being recorded, how it's being used, and certainly the sale of that -- of that information. You know, my understanding with regard to this area, I know there is some Federal regulation in terms of, you know, disclosing what data is going to be, you know, collected and things of that nature to -- to an end user. And there's been some, you know, concern raised by different technology companies as to how -- you know, how these devices currently operate and how this might get in the way of them continuing to operate and continuing to develop new -- new technologies in this area. You know, they -- they do raise concerns that -- I know this is a similar approach to California, but if perhaps this mirrored a little bit better that definition -- you know, the -- the issue we're running into in so many of these areas is that the technology is ahead of those of us making laws and regulations. And as a result, as different states go and put forth a regulation, they may

not always be uniform and it -- it becomes an issue for these companies to make sure their technologies, you know, comply with California law, comply with New York law and then, you know, so on and so forth as other states adopt regulations. So -- so I -- I think certainly it's -- regulation is needed. I think I've had the exact same experience that there was something that maybe I was talking about and I, you know, you suddenly see it pop up. And -- and we all know it transcends different devices. We may be looking at something on our phone and -- and then something pops up later on -- on a desktop computer.

So -- so I thank the sponsor for -- for answering some questions, but I hope as we move forward with this we -- we try to find, you know, the best way to find uniformity so that we protect the -- the consumer but we -- we don't do anything to hinder technological advancement. Thank you.

ACTING SPEAKER PICHARDO: Read the last section.

THE CLERK: This act shall take effect in 120 days.

ACTING SPEAKER PICHARDO: 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.

THE CLERK: Assembly No. A04574, Calendar No.

504, Jean-Pierre, D'Urso, Steck, Gottfried, Thiele, Seawright, Montesano, Walker, Vanel, Ra, Otis, Epstein. An act to amend the Public Service Law, in relation to requiring utility companies to include a notice of public hearings concerning rate increases.

ACTING SPEAKER PICHARDO: An explanation has been requested, Ms. Jean-Pierre.

MS. JEAN-PIERRE: This would amend Section 44 of the Public Service Law to require utility companies to include on their bills sent to their customers an advance notice of the date and place of any and all public hearings concerning proposed rate increases.

ACTING SPEAKER PICHARDO: Mr. Palmesano.

MR. PALMESANO: Yes, thank you, Mr. Speaker. Will the sponsor yield for some questions?

ACTING SPEAKER PICHARDO: Do you yield, Ms. Jean-Pierre?

MS. JEAN-PIERRE: I do.

MR. PALMESANO: Thank you, Ms. Jean-Pierre.

ACTING SPEAKER PICHARDO: The sponsor yields.

MR. PALMESANO: Thank you. Just a few questions. And I know the intention behind the bill is well-intentioned, but I do have some questions, if I could ask. First -- the first question I wanted to ask because I notice the language refers to public util -- investor-owned utilities, but the Long Island Power

Authority is not included as -- in the provisions of this bill. How come?

MS. JEAN-PIERRE: It is captured.

MR. PALMESANO: Oh, I didn't see that in the language, I'm sorry.

Okay. My next question is, I know the Public Service Commission right now publishes a calendar of hearings on a weekly basis, and these calendar of hearings refer to hearings, pre-hearing conferences, evidentiary hearings, public statement hearings and technical conference. Many of these have nothing to do with the rates. And the question I just want to clarify in -- in the bill is I know you mentioned they would have to provide on the utility bill on all -- any and all public hearings. Are you -- are you saying just for the language that it only refers to rates specifically, so all these other hearings would not have to be put on the bill, or would every hearing? Because it says any and all have to be included on the utility bill.

MS. JEAN-PIERRE: This is just for rate increases

MR. PALMESANO: Okay. Thank you. Right now, aren't investor-owned utilities currently obligated to inform customers about major rate change and proceedings?

MS. JEAN-PIERRE: I'm sorry, can you repeat that again?

MR. PALMESANO: Aren't right now investor-owned utilities, they're obligated right now to inform customers of major rate change proceedings.

MS. JEAN-PIERRE: So this -- what this does, it adds an additional section to the law, and what it does, it -- it provides accuracy and allows it to be on the bill. So, for our senior population who just likes to look at their bill, it just provides another level of transparency for our customers -- for their customers to ensure that they're aware of the public hearings for the rate increases.

MR. PALMESANO: So right now, though, it's my understanding all utility customers receive a bill insert that advises them of a rate case immediately after its onset. So there is a notification that's made to all ratepayers with this insert that's on the -- in the bill. It's not on the bill, but it's actually an insert in the -- in the bill. They have to do that -- they do that now. So would that -- would that address that issue, or now you're saying it has to actually be printed on to the bill?

MS. JEAN-PIERRE: So, I can't speak for all of the utility companies as to what they do, but this would just provide some playing level field for all utility companies and just an act of transparency so it's right there on the bill, whether they do an insert or not. But it's -- and it's actually a cost savings for them because they don't have to pay for an additional paper for an insert. They can actually just put that on the bill.

MR. PALMESANO: Okay. And also -- so, right now it's my understanding also in addition to the insert after -- or after that notification is made, it's followed up by four consecutive weeks of newspaper publications as advised under the law. So there's -- there's

continuing notification as it is right now in addition to the notification they make right now. Is that correct?

MS. JEAN-PIERRE: Yes.

MR. PALMESANO: Okay. But with respect to the rate case, aren't the dates, the times, the locations, the statement hearings, aren't they all set by the Public Service administrative law judge who's assigned to the -- the rate case? So based on the timing when that comes out, that -- wouldn't that impact the ability of a utility to get that on the bill? And that could be problematic even to meet that requirement. Isn't that going to be a challenge?

MS. JEAN-PIERRE: Okay. So, they only -- so the utility company is only required to put it on the bill if they have notice at the time of -- at the time of printing.

MR. PALMESANO: So, I know you say there's probably no -- there's -- would be no costs involved. But if they're talking about printing additional pa -- pages on a bill and things of that nature, that could be problematic. That could be a challenge to them. And right now they have a system that's working. Wouldn't we just better -- let's continue with the system we have rather -- rather than adding to the -- what we have to require more printing in addition to what they're doing?

MS. JEAN-PIERRE: No, I think this is just an act of transparency. And whether they do it in an insert, that's an additional cost, in my opinion. But if they have to do it in addition -- add an insert, they're -- you said all utility companies are already doing it. So

they're already doing it, they want to add an insert. But this just adds an additional transparency for our customers to see that there is a public hearing for a rate increase. And this usually mostly impacts our senior population and our most vulnerable population.

MR. PALMESANO: Okay. Thank you for your time.

Mr. Speaker, on the bill.

Thank you.

ACTING SPEAKER PICHARDO: On the bill, Mr. Palmesano.

MR. PALMESANO: Yes, I believe the sponsor is well-intentioned in this legislation, although I think I do have some concerns relative to how this is going to work. I think relative to what we have in place right now, there is a process in place that works that the -- that the utilities have to note -- do the notification now. I think there's a concern relative -- and I know the sponsor said that if there's a timing issue with the administrative law judge, it doesn't have to print. I just think that, you know, this is some -- additional requirements that aren't necessary. I think that the current system is working fine for what we need right now. I think this is just something -- when we talk about additional printing on a bill, that's more pages, there's a cost involved in that, that -- that's something that complicates a bill. When you look at your utility bills now, they're six or eight pages long, and now -- I mean, how many people look at their bill from cover to cover? I think an insert is something that's just in



there right there that they're going to see, rather than all more words and numbers on a utility bill, I think that -- although I know that the intention is for transparency, I think it's just going to complicate the bill, it's going to complicate the process. I think it's going to make it more -- much more difficult than what it is already. And I think given that issue and given the challenges this might form, and also the costs that could be involved which is going to be borne by the ratepayer, for that reason, Mr. Speaker, although I believe the sponsor is well-intentioned, I'll be voting in the negative and encourage my colleagues to do the same.

Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Jean-Pierre to explain her vote.

MS. JEAN-PIERRE: This legislation is all about transparency for our customers. Oftentimes, consumers don't find out about rate increases on their utility bills until after the fact. Utility rate increases tend to hit low- to moderate-income customers and seniors on fixed incomes harder than most. And this legislation is intended to give New Yorkers adequate notice to make their voices heard when it comes to rate hikes. Just last month, National Grid made a formal request to the Public Service Commission to increase delivery rates by

6.92 percent, which would hike average residential bills by \$6.52 a month. This may not seem like a lot of money, but for those who are on fixed incomes or working jobs at low wage, it can have a significant effect on making ends meet.

And with this, I cast my vote in the affirmative.

ACTING SPEAKER AUBRY: Ms. Jean-Pierre 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: Mr. Speaker, if I could -- we could advance the B-Calendar.

ACTING SPEAKER AUBRY: On Mrs. Peoples-Stokes' motion, the B-Calendar is advanced.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, if we can take up our next bill on debate, it would be Rules Report No. 82. And it is on page 6 by Mr. DenDekker.

ACTING SPEAKER AUBRY: Page 6, Rules Report No. 82, the Clerk will read.

THE CLERK: Assembly No. A05194, Rules Report No. 82, DenDekker, Sayegh, DeStefano, Raynor, Buchwald. An act to amend the General Business Law, in relation to requiring motor vehicle dealers to search for recalls and make certain repairs prior to

selling a used motor vehicle.

ACTING SPEAKER AUBRY: Mr. DenDekker, an explanation is requested.

MR. DENDEKKER: Thank you, Mr. Speaker. This bill is a very simple bill. It's just going to require new car auto dealers and auto dealers in New York State to repair any open recalls, safety recalls, on a vehicle before they can sell it to a member of the general public.

ACTING SPEAKER AUBRY: Mr. Ra.

MR. RA: Thank you very much, Mr. Speaker. Will Mr. DenDekker yield?

ACTING SPEAKER AUBRY: Mr. DenDekker, will you yield?

MR. DENDEKKER: Yes, Mr. Speaker, I will.

ACTING SPEAKER AUBRY: The sponsor yields.

MR. RA: Thank you very much. So I know we -- we spoke a little bit about this a -- a few weeks ago. So, just first and foremost, I -- I -- you know, you stated it requires that recalls be -- be taken care of before they can transfer the vehicle. What -- what is meant by a good faith effort to -- to note -- you know, learn of a recall on a vehicle?

MR. DENDEKKER: Well, currently, if we're talking in a hypothetical situation on a new car dealer, most of them have handheld scanning devices that scan the barcode or the VIN number on the car, and that manufacturer would know or that dealer would

know there's an open recall. The other way to do it is to go on to a website that's provided by the Federal government, and if you put in a VIN number it would tell you if there's any open recalls on it. So it's not a very difficult process.

MR. RA: So, so long as they've, you know, done that they will have satisfied the requirements of this?

MR. DENDEKKER: I'm sorry, I -- I didn't hear the question.

MR. RA: And so long as the -- you know, the -- the dealer has done that, you know, scanned the VIN number and used -- utilized that database, they'll have satisfied this provision?

MR. DENDEKKER: That's correct. They will have made a good faith effort to determine if that specific vehicle had an open recall.

MR. RA: Okay. Now, in terms of the recalls, this applies to any recall that's issued?

MR. DENDEKKER: Any recall from the National Safety web -- what's that word -- the National Highway and Traffic Safety [sic].

MR. RA: Okay. And -- and one of the things we had discussed is whether or not that could include recalls that, you know, aren't really safety recalls. Is your -- is your understanding, though, that that would -- that database only flags safety recalls, or could it be something like, you know, the -- the seal around a window or a sunroof leaks or something of that nature?

MR. DENDEKKER: Well, correct. We had that discussion, and the seal around the window that you might have said that you don't maybe would consider a safety recall, obviously if it's been recalled for that particular reason and it has made it on to this website, it's been determined that there is a safety issue associated with it. So the issue might be that seal might be faulty and that window that it's holding in will leave the vehicle and either cause damage to another vehicle or maybe cause a -- a problem for the person that's operating the vehicle in which the seal was on. So, although it sounds like it's not serious and wouldn't be a safety recall, in essence, it would. Usually a non-safety-related item that needs to be repaired on the car, they don't do a national recall. They will do a service bulletin, so the next time you bring your car in for service, they would simply fix the appropriate issue. Maybe it's a little inside light bulb that is deemed to be necessary to change, where it's a non-safety-related item. Once it becomes a safety-related issue, which again, usually comes because people have purchased the vehicle, they've driven it around, they found something at fault. Something that is a safety concern, they've reported it, enough people have reported that safety concern. The manufacturer then agrees that it is a safety concern and issues a national recall. And they do it VIN specific. Because, obviously, we know manufacturers buy from multiple suppliers for different parts, and not every single supplier is maybe giving them a defective part. So they know which part is in which vehicle by the VIN number.

MR. RA: Okay. And is there -- you know, under this -- my understanding is, you know, sometimes, you know, when there is a major, major recall, that sometimes the manufacturer may have, you know, identified an issue and maybe they figured out the solution, maybe they have not yet, but they're trying to alert the public, you know, not to drive the vehicle because of that concern. And sometimes there ends up being quite a bit of a, you know, backlog in addressing these. And -- and I think there's even been situations where, you know, they've notified the consumers and they basically either have to provide a loaner car or they -- or they end up having basically somebody sign some type of waiver saying that they've been notified of this recall, you know, so as to -- to protect the -- the manufacturer from liability. Is there -- is there any -- this is absolute, correct? There's no ability for, you know, for the consumer and the -- and the dealer to say, *Look, there is this open safety recall. You need to contact the manufacturer. They're going to -- they'll fix it for you.* They cannot, under any circumstances, transfer a car that they know there's a recall without first getting it repaired, correct?

MR. DENDEKKER: Yes. And the purpose of this bill is we don't want vehicles on the road that are unsafe. So, to address some of the private sales, for example, we now have the New York State Department of Motor Vehicles has linked a database with the National Transportation Safety Administration's website which is now hooked up to every single service station that does inspections in the State of New York, so that when your car gets inspected, at the

bottom of your inspection sticker will give you a notification whether there's any open recalls on your vehicle. However, when we're dealing with a dealership, a licensed resale or -- or new car dealership, they, in turn, have a responsibility. They're a business, they need to make sure that the vehicles that they're selling are safe. And the best way to do that is to address these recalls right at that point. When people purchase a vehicle from a dealer, they expect it to be safe. They expect it not to have any open recalls. They expect that the wheel is not going to fall off or that the window is going to come off when they're driving it home. And if there was a safety recall, it needs to be addressed. Now, they can address it many different ways. One way might be is they will repair the vehicle themselves if they're an authorized dealer to do that, or another way is they'll transport that vehicle to a local dealership in the area that will also the fix the deal -- fix it. There is no cost to that dealer when he sends it back to the manufacturer's dealer to have it fixed. So I -- I -- I don't think there's any issue or any cost to anyone else, and that's not our intention. Our intention is to make sure that every vehicle on the road today is 100 percent safe and operational.

MR. RA: Okay. My -- my last question, you know, under the definition of -- of dealer on the bill, this would apply to -- I -- I know it references another section of law, but are you familiar with that definition? Would that be any size -- anything from like, you know, a major -- you know, one of these conglomerates that has all these dealerships to, you know, a small used car lot?

MR. DENDEKKER: That's correct, yes.

MR. RA: Okay. Thank you very much.

MR. DENDEKKER: It would encompass all of them, yes.

MR. RA: Thank you.

Mr. Speaker, on the bill.

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

MR. RA: Thank you very much. I -- you know, I -- I think I certainly support the intention of this piece of legislation, but there -- there are a couple of concerns that have been raised, and some of us may have seen some of the memos from -- from different groups regarding this. One of them is -- is something I mentioned. You know, a recall that is issued could perhaps be for something very small, and the other one being, you know, there could be a -- a recall issue and there could be a major backlog to fixing it. And that dealer will sit with this car on the lot for potentially months. The concern I have with that is that it could have the potential to make dealers less likely to take certain cars as trade-ins. You know, maybe if you're a Jeep dealer, right now, people may come in with -- with cars from other manufacturers and you may be willing to accept those as trade-ins. You know, perhaps more as this burden shifts and you have to worry about things of this nature, you may be less likely to do that and maybe you're only going to take other cars that come from your manufacturer because you're going to be more familiar with them, you're going to be equipped to make these repairs so that you can



transfer them and you don't have the car sitting on your lot.

So, you know, as a result of some of those concerns, I know in the past there's been -- there's been some -- some no votes, and -- and -- and I think people are -- are still -- you know, have those concerns with how this could impact, you know, those businesses that -- who are trying to transfer cars, you know -- you know, getting a good reliable used car is something that -- that, you know, people want to be able to do. Some used car lots may be very small. It may be, you know, not necessarily the main area of their business, but it does provide a -- a service to the consumer. We certainly don't want, you know, unsafe cars on the road, but this does not really make any provisions that, you know, you can notify a consumer and have them make a well-informed decision whether they want to purchase that vehicle and take care of the recall themselves, you know, for whatever reason. Maybe they -- they just need a car right away.

So -- so for those reasons, I -- I think there are going to be some opposition on our side of the aisle. Thank you.

ACTING SPEAKER AUBRY: Read the last section.

THE CLERK: This act shall take effect in 90 days.

ACTING SPEAKER AUBRY: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. DenDekker to explain his vote.

MR. DENDEKKER: Thank you, Mr. Speaker. I just wanted to mention that most of these vehicles that are traded in are not

resold by the same dealer. Most of those vehicles end up at very large auction houses. So, a good way that the dealers could make this work is as they take in their trade-ins and they're sending the vehicles to the auctions, that someone at the auction could check them all out, find out if there's any recalls, fix the recalls before another dealer even goes to that auction to buy the vehicles. That would be a -- a good way of circumventing this. Giving an actual notice or a piece of paper to somebody telling them, *Hey, there's an open recall on that car that I'm going to sell you, and you should go take it to a dealer after you buy it from me and get it fixed* is probably not the right way to do this. God forbid that that person takes the car off the lot and that recall is a serious safety recall and something happens and an accident is involved. The dealer's going to turn around and say, *Well, I notified you, I gave you piece of paper to tell you about it*. And that's not the proper way we should be selling cars at dealerships. We need to make sure cars are safe when they're on the road.

I encourage everybody to vote this in the positive, and I will be voting in the affirmative. Thank you.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, would you please call on Mr. Otis for an announcement?

ACTING SPEAKER AUBRY: Mr. Otis for the

purposes of an announcement.

MR. OTIS: There will be an immediate Democratic conference upon the conclusion of Session in the Speaker's Conference Room.

ACTING SPEAKER AUBRY: Democratic conference, Speaker's Conference Room immediately following Session.

Mrs. Peoples-Stokes.

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

ACTING SPEAKER AUBRY: Oh, yes, we do.

On a motion by -- by Mr. DenDekker, page 14, Rules Report No. 135, Bill No. 5635-A, the substitution of the Senate bill previously ordered is withdrawn. The Assembly bill is before the House and the amendments are received and adopted.

On the Main Calendar, a motion by Ms. Rosenthal, page 52, Calendar No. 372, Bill No. 486-A, amendments are received and adopted.

On the B-Calendar, on a motion by Mr. Zebrowski, page 8, Rules Report No. 257, Bill No. 4470, amendments are received and adopted.

On behalf of Mr. Hevesi, Assembly bill recalled from the Senate. The Clerk will read the title of the bill.

THE CLERK: An act to amend the Real Property Law.

ACTING SPEAKER AUBRY: Motion to reconsider the vote by which the bill passed the House.

The Clerk will record the vote.

(The Clerk recorded the vote.)

The Clerk will announce the results.

(The Clerk announced the results.)

The bill is before the House and the amendments are received and adopted.

Numerous fine resolutions. We will take them up with one vote.

On the resolutions, all those in favor signify by saying aye; opposed, no. Resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 559-568 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Mr. Speaker, I now move that the Assembly stand adjourned until 10:00 a.m., Friday, June the 14th, Friday being a Session day.

ACTING SPEAKER AUBRY: The Assembly stands adjourned.

(Whereupon, at 7:56 p.m., the Assembly stood adjourned until Friday, June 14th at 10:00 a.m., that being a Session day.)