



George Latimer
County Executive

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WESTCHESTER COUNTY
CLERK OF LEGISLATORS

December 12, 2022

Westchester County Board of Legislators
Michaelian Office Building, 8th Floor
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board:

In raising for public discussion the issue of tobacco usage in Westchester County as a matter of priority public policy, the Board of Legislators has done the County an important service. Science has made it perfectly clear over the last 60 years that smoking is a dangerous and potentially fatal habit. Addiction to nicotine products has cut short numerous lives to lung disease, heart disease and related illnesses; has robbed otherwise healthy individuals of their good health; has robbed families of fathers, mothers, siblings and other loved ones prematurely.

Tobacco, like alcohol, however, remains a legal product in the United States. The public position of Westchester County government, therefore, in the past few decades has been to undertake programs and policies to reduce tobacco use, particularly among our youth. To that end, Westchester:

- Ended smoking in public settings, including bars and restaurants (1996);
- Funded a tobacco-cessation education effort utilizing tobacco settlement funds (1999);
- Ended all sales of tobacco products to minors under the age of 21 (2018). Subsequently, both the State of New York, and the United States, has made tobacco sales illegal for all who have not yet reached their 21st birthday.

These major initiatives, and many other actions large and small have helped reduce tobacco usage in our county dramatically. In the report of the New York State Department of Health (August 2021),

Westchester County had the lowest percent of adult current smokers among the 62 counties: 7.0%.

This compares favorably to other jurisdictions: Suffolk County – 11.2%; Sullivan County – 21.0; Washington County – 25.3% (highest in the State). We are not yet satisfied; we can do more. Accordingly, I am announcing two major actions today:

Tobacco Education Campaign

The County will fund and implement a robust \$3 million public education campaign to all residents, highlighting the dangers of tobacco usage, offering efforts to help smokers quit smoking, and to support local community efforts to reduce smoking. In this latter area, we will include a new direct grant program to community-based non-profits directly involved in tobacco-cessation as part of their anti-addiction efforts, and particularly those groups like local NAACP Branches who have advocated for efforts to reduce smoking in communities of color. The program will be crafted with the assistance and oversight of

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members of the Board of Legislators to ensure we are reaching all smokers, regardless of their geographic or demographic status. This effort will involve our Health Department, Community Mental Health Department, Youth Board and other related departments and offices of Westchester County government to ensure its success.

Tobacco Enforcement Campaign

The County will develop a multi-level program, working with state and local government resources to ensure improved enforcement of our existing Tobacco 21 age limit. Under the leadership of Deputy County Executive Ken Jenkins, we will convene a conference with representatives from law enforcement agencies, prosecutorial and judicial offices, business leaders and youth organization leaders to develop a thorough plan to make sure no person under the age of 21 is able to obtain any type of tobacco product, which is clearly illegal by means of County, State and Federal law.

Product Sales Bans

I have been presented Westchester County Local Law Intro No. 461-2022, passed by the Board of Legislators on November 28, 2022, which adds Chapter 539, banning certain tobacco products from sales, affecting those 21 years of age and above (those under 21 already prohibited by law from purchasing these and any other tobacco products). This bill adds tobacco products described as “flavored” to the general ban of all products established for those under the age of 21.

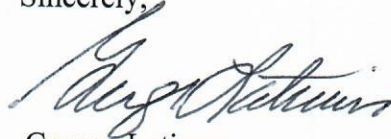
The bill is a sincere effort to expand our effort to reduce tobacco usage by limiting sales access to those products; unfortunately, there are a number of unintended consequences that have generated significant opposition to this bill. This is a nationwide debate, with advocates seeking bans by state and local governments in lieu of national tobacco policy. The bill, which has stronger support in some quarters of our County, has been vigorously opposed by a significant number of local African-American groups and leaders; Middle Eastern and Arab-American leaders; representatives of Union organizations, all who assert their communities would be negatively impacted by banning these products. None of these communities is monolithic in their opposition, but there exists a significant percentage of objections, having been raised, that cannot be brushed aside. The cultural objections raised must be forthrightly addressed, and where possible, remedied. The bill’s provisions are more extensive and sweeping in scope than the current law in effect in New York City, or for that matters, those enacted in the states of California and Massachusetts, the two largest jurisdictions to act in this area of public policy. A more thorough review of these objections and discussions of remedies is warranted.

There are questions of enforcement that cannot be dictated by the provisions of this bill alone; law enforcement entities are tasked by State law with enforcement of this and all statutes, which may come out of violations of this law that involve unlicensed cigarette selling. The intersection between making certain tobacco products illegal to sell at the same time we are allowing cannabis products to be legally sold, creates a societal concern that must be more fully researched and addressed.

The members of the Board of Legislators, in bringing forth this specific piece of legislation, have advanced the conversation, and I appreciate and welcome their thoughtful leadership. I believe there is the opportunity for all of us to discuss legislation in this area once we fully implement our Tobacco Education Initiative and our Tobacco Enforcement Initiative, and assess the progress we make in these two areas.

Given my concerns and my commitment, equally expressed, I hereby disapprove and veto Local Law Intro. No. 461-2022, and indicate my immediate action to implement the aforementioned education and enforcement efforts to ensure our children are indeed better protected from all forms of tobacco, and our residents are better informed to understand the dangers of tobacco usage, and thereby further reduce the percentage of smokers here, and reinforce our status as the County with the lowest tobacco-usage in New York State.

Sincerely,

A handwritten signature in dark ink, appearing to read "George Latimer", written in a cursive style.

George Latimer
Westchester County Executive