

September 25, 2014

HEALTH & HUMAN SERVICES COMMITTEE
REPORT NO. 11

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR MORTON.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item has hereby failed, by lack of a majority vote for approval:

a. COMM. 18E-12 (2014)
COUNTY EXECUTIVE: "Amend 163III-D2014 Grant"
(2-3) Legislators Dixon, Lorigo, Chair Mills voted in the negative.

2. INTRO. 17-7 (2014)

SAVAGE

WHEREAS, electronic cigarettes ("E-Cigarettes") or "Electronic nicotine delivery systems" have become increasingly popular and are currently unregulated by the U.S. Food & Drug Administration (FDA), nor are they regulated by New York State or local governments; and

WHEREAS, the introduction, use and marketing of E-Cigarettes has launched an entire new industry, and at the same time, presents challenges for public health policymakers, parents and caregivers, along with people who do not smoke but who, nonetheless, are increasingly coming into contact with E-Cigarettes emissions that may pose health consequences; and

WHEREAS, government officials have also been confronted with a growth industry that has led to storefronts opening in many locations, leading officials to consider what laws need to catch up with this new consumer product in terms of regulation and inspection; and

WHEREAS, while E-Cigarettes were first marketed to people interested in quitting cigarette smoking, E-Cigarettes have unfortunately attracted the attention of school-age children who have increasingly taken up the product in what many describe as a new fad, even though the health consequences of "vaping" are unsettled scientifically; and

WHEREAS, the utilization of E-Cigarettes for smoking cessation has been deemed appropriate by many in the healthcare industry - recently the American Heart Association issued its first policy statement concerning E-Cigarettes where they endorsed E-Cigarettes as "a last resort" for quitting cigarette smoking, following a similar statement by the American Cancer Society; however, both organizations expressed grave reservations about the casual use of E-Cigarettes due to nicotine vaporization as well as the formaldehyde that is contained in some E-Cigarette products; and

WHEREAS, the American Heart Association and the American Cancer Society have also called for more regulation of these products, and have expressed alarm concerning the growing popularity of E-Cigarettes among young people; and

WHEREAS, Erie County needs to initiate fact-finding concerning E-Cigarettes in order to inform and protect County residents, and also prior to the crafting of a new County law or amending existing County law; and

WHEREAS, Erie County Local Law #5-1996 was adopted to regulate tobacco smoking and help prevent the harmful effects of nicotine and second hand smoke, and was subsequently amended to strengthen the regulation in 1999 by Local Law #5-1999; and

WHEREAS, New York State passed the Clean Indoor Air Act-2003, strengthening the already progressive and forward thinking actions of Erie County leaders; and

WHEREAS, in 2009 the FDA warned that "laboratory analysis of electronic cigarette samples has found that they contain carcinogens and toxic chemicals such as diethylene glycol, an ingredient used in antifreeze;" and

WHEREAS, the FDA and World Medical Association have expressed concerns that the potential health risks have not been studied through rigorous clinical trials, and that E-Cigarettes are not regulated as a tobacco product, or regulated as a therapeutic device by the FDA; and

WHEREAS, the use of E-Cigarettes in smoke-free locations can cause confusion and concerns because the vapor emitted is visually similar to smoke, and the increasingly social acceptance may increase the use of nicotine in youth and undermine the progress made in recent years discouraging smoking; and

WHEREAS, Erie County Personnel Policies and Procedures (Chapter X, Section 15), already prohibits the use of electronic cigarettes in the workplace for all Erie County employees except at designated smoking areas outside County facilities; and

WHEREAS, the Cities of Chicago, Los Angeles, and New York have already amended their clean indoor air acts and related legislation to include the ban of electronic cigarettes in venues and areas that are currently designated as 100% smoke-free.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature deems it necessary to conduct fact-finding concerning E-Cigarettes in regards to their regulation and the potential to update relevant County law, as

well as to gain insight concerning the proliferation of E-Cigarettes storefronts in relation to regulation and/or inspection concerning this new product and industry; and be it further

RESOLVED, that this Legislature's Health & Human Services Committee initiate public dialogue concerning this matter where the Commissioner of Health, Erie County Attorney, stakeholders in the E-Cigarette industry, as well as any other individual deemed appropriate, shall be invited to future meetings of the committee in order to address the issues involved; and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the County Executive, Commissioner of Health, County Attorney, and E-Cigarette industry stakeholders.
(5-0)

3. COMM. 18E-9 (2014)
COUNTY EXECUTIVE

Dear Honorable Members,

Pursuant to powers vested in me by Section 11.09 of the Erie County Charter, I hereby appoint the following to the Erie County Youth Bureau Board for the term stated:

Name:	Term Ending:
Mitchell Nowakowski	August 31, 2016
343 Franklin St.	
Apt. 6	
Buffalo, NY 14202	

Ryan Taughrin	August 31, 2016
110 Orchard Ave.	
West Seneca, NY 14224	

Please contact my office with any questions you may have regarding these appointments.
(5-0, Receive, file, and print)

4. COMM. 18E-10 (2014)
COUNTY EXECUTIVE

WHEREAS, local youth bureau funding, provided by New York State, supports up to \$100,000 of administrative funding to assist in the management and monitoring of Youth Bureau programs; and

WHEREAS, the Erie County Youth Bureau will be converting their performance reporting for Youth Bureau programs previously established via RBA software to a local system developed and monitored by Community Connections of New York; and

WHEREAS, Community Connections of New York currently delivers a similar product for other county departments servicing the youth population; and

WHEREAS, Erie County Youth Bureau is seeking the consistency and compatibility the use of this vendor will provide; and

WHEREAS, the increased scope of monitoring of the municipal programs facilitates needed measurement of the effectiveness of provider programs serviced by the Erie County Youth Bureau; and

WHEREAS, there is no additional local share necessary and 100% reimbursement will be received from the state.

NOW, THEREFORE, BE IT

RESOLVED, that the following budget amendments are hereby authorized in the 2014 Adopted Budget:

Youth Bureau, Fund 110, Department 12530		
ACCOUNT	DESCRIPTION	INCREASE
Expense		
516010	Contractual Services – Non Profit POS	<u>\$19,466</u>
	Total Expenditures	<u>\$19,466</u>
Revenue		
408000	State Aid – Youth Programs	<u>\$19,466</u>
	Total Revenues	<u>\$19,466</u>

RESOLVED, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into contract with Community Connections of New York; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive, the Commissioner of Social Services, the Erie County Comptroller and the Director of the Division of Budget and Management.
(5-0)

5. COMM. 18E-13 (2014)
COUNTY EXECUTIVE

WHEREAS, the Department of Senior Services Ready or Not Grant, which is 100% funded by the Health Foundation for Western & Central New York (Foundation) has been extended through May 31, 2015; and

WHEREAS, the Department's grant proposal and contract with the Foundation calls for a portion of the grant funds to be used to secure consultant services that will provide technical assistance, including developing planning and program monitoring protocols for new services and funding streams; and

WHEREAS, the Department of Senior Services desires to contract with Charles Battaglia, for the period September 1, 2014 to May 31, 2015, at a cost not to exceed \$6,000 to function as a consultant for the Ready or Not Grant.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into a \$6,000 consultant contract with Charles Battaglia, for the Department of Senior Services Ready or Not Grant; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.
(5-0)

LYNNE M. DIXON
CHAIR