

**COMMITTEE ON LEGISLATION JOINT
WITH THE COMMITTEE ON COMMUNITY SERVICES
MINUTES: September 15, 2008**

LEGISLATION

MEMBERS: Chair: Burton; Legislators: Jenkins, Nonna, Harckham, Rogowsky, Myers, Abinanti, Maisano

COMMUNITY SERVICES

MEMBERS: Chair: Myers(acting); Legislators: Pinto, Abinanti, Burton, Jenkins

IN ATTENDANCE: **CE:** B. Randolph, A. Neuman; **CA:** C. Indelicato, S. Dolgin-Kmetz, M. Gleeson, L. Trentacoste, L. Cipollo; **DOH:** Dr. J. Lipsman, **BOL:** S. Bass, M. Montalto, R. Pezzullo, K. Delgado, C. Giliberti, H. Corbin, B. Desoye, M. Amodio; **GUESTS:** J. Hart Canfield, L. Jones, T. Merrill, E. Otsubo, C. De Leon; **PRESS:** G. McKinstry (The Journal News), N. Baage (The Record Review), C. Arnone (RNN), N. Neroulis (NYT)

With a quorum present, the Committee on Legislation and the Committee on Community was called to order at 1:35 p.m.

MINUTES

(Jenkins, Nonna) Move the minutes of April 21, 2008 and September 8, 2008. Motion approved 6-0.

4

BOARDS & COMMISSIONS

(Jenkins, Harckham) Move to approve the appointment of Mr. Joe Spano as the Commissioner of the Department of Correction. Motion approved 6-0.

DISPLAY CALORIE CONTENT

Legislator Judy Myers gave a status report of the calorie content legislation including the legal challenge to New York City's law. She summarized the measure stating this is the posting of the calorie count of a set portion of food that is displayed up in the exactly the same size as the price on a menu board in any food service establishments that has ten or more

facilities nationally. She described it as an additional piece of educational information.

Thomas Merrill gave an overview of the legal action which NYC has undertaken over the last few years. Currently the case is on appeal and they are awaiting a decision by the Appellate division second circuit court.

Dr. Josh Lipsman, Commissioner Westchester County Department of Health asked the committee to also consider for chain restaurants also be required to include sodium content on handout menus.

Legislator Maisano asked for legal research on the fairness of treating one type of restaurant differently than all others. Is there any existing litigation?

The issue of using the word nationally was discussed. Replace the word nationally with anywhere". Motion approved to amend the proposed legislation to amend nationally to anywhere in paragraph 1 section 708.2 definitions (Nonna, Jenkins).

The commissioner shall establish regulations. Language is needed to further define the regulations.

There was discussion about the number of food service establishments must be in operation for the group to be regulated. Our law has 10 outfit, NYC law requires 15.

There was questions about the enforcement and penalties which should be required.

There was request to once again invite the NYS Restaurant Association.

Pg. 10. The law shall take effect immediately but enforcement will be 6 months. New establishment must adhere to the regulations immediately. Any business that changes their menu board must adhere to regulations from that point forward.

There was a request to add the definition of food service establishments as stated in the New York City law to clarify what type of business are to be regulated.

There was a discussion about finding out exactly which establishments this law will apply to. This was in response to whether supermarkets would be effected and to make sure there wouldn't be a equal protection violation. Mr. Burton asked Commissioner Lipsman to provide the committee with a list of the food services that will be impacted.

Mr. Burton stated he would consider sodium content next.

(Nonna, Jenkins) for the Committee on Legislation. 8-0. (Myers, Pinto) for the Committee on Community Services. 5-0.

(Pinto, Myers) Move to adjourn the Committee on Community Services. Motion approved 6-0. The Committee adjourned at 3:27 p.m.

(Nonna, Burton) move to adjourn the Committee on Legislation. Motion approved 6-0. The Committee adjourned at 3:27 p.m.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST