

**COMMITTEE ON LEGISLATION
MINUTES: October 29, 2007**

LEGISLATION

MEMBERS:

Chair: Pinto; Legislators: Bronz, Jenkins, Burrows, Young, Rogowsky, Myers, Abinanti

FAMILY HEALTH AND HUMAN SERVICES

MEMBERS:

Chair: Myers; Legislators: Burton, Young, Rogowsky, Bronz, Jenkins, Abinanti

IN ATTENDANCE:

CE: B. Randolph, **CA:** M. Gleeson, L. Cipollo; **DOH:** J. Lipsman, F. Guido; **BOL:** S. Bass, M. Montalto, N. Rentz, M. Amodio, C. Giliberti, L. Goldstein, R. Pezzullo, B. DeSoye, J. Sold; **PRESS:** G. Blain; **GUESTS:** C. Hunt

With a quorum present for both, the Committee on Legislation and the Committee on Family Health and Human Services were called to order at 1:37 p.m.

REVEIVE AND FILE

(Young, Myers) move to receive and file items 62, 91, 97, 99, 108, 109, 113, 114 and 115. Motion approved 6-0.

MINUTES

(Burrows, Young) move to approve the minutes of August 6, 2007. Motion approved 6-0.

(Jenkins, Young) move to approve the minutes of September 17, 2007. Motion approved 6-0.

(Bronz, Young) move to approve the minutes of October 15, 2007. Motion approved 6-0.

CALORIE POSTING REQUIREMENTS

(Burrows, Abinanti) Moved for Committee on Legislation (Burton, Bronz) moved for the Committee on Family Health and Human Services for public hearing only a local law to require chain food

service establishments to display calorie content values for menu items.

Chairwoman Myers read a letter from Westchester County Board of Health President Douglas Aspros stating that they strongly support the calorie labeling legislation.

Chairwoman Myers and the Commissioner of Health, Dr. Lipsman gave an update of the trans-fat ban. The county created a voluntary program to encourage food establishments to not use trans-fats. Unfortunately there was only 50% participation. So, the Board of Health endorsed a mandatory ban of using trans-fat cooking oils at any restaurant in Westchester. This change would be an amendment to the county sanitary code. There will be a public hearing and a vote taken of the Board of Health in November. County facilities are not serving trans-fat containing oils.

Martin Gleeson of the County Attorney's office gave an overview of the proposed legislation requiring certain chain food service establishments to provide calorie labeling. The New York City law was overturned because it was deemed voluntary. Our law will require food service establishments in Westchester to comply if there are ten or more franchises which exist nation wide. The federal judge stated that ten was a number that was appropriate in terms of establishing a group that could be subjected to this legislation.

Postings are required to be on the menu near check out for customers to see the calorie content. A range of calories may be given. The penalties imposed are only civil penalties. The proposal is similar to laws that were currently enacted in other places. If the pending state legislation passes our law will then need to be repealed by resolution.

A discussion occurred about how effective it would be to permit all restaurants to just provide a brochure.

Chuck Hunt spoke on behalf of the NYS Restaurant Association. They do not believe the law can be realistically implemented. His organization believes this issue needs to be dealt with at home. They discussed the problems that some restaurants will have posting the calorie content because of the amount of space on menu boards. They are concerned that individual franchise owners are the ones who will be burdened with the costs.

A discussion occurred about how to require franchises that have corporate offices outside of Westchester County to comply with the law. Chair Myers asked the law department to research any interstate commerce laws that may impact the proposed legislation.

Motion approved by The Committee on Legislation 7-0; Motion approved by the Committee on Family, Health and Human Services 6-0.

(Rogowsky, Abinanti) Move to adjourn the Committee on Legislation. Motion passed 5-0. Committee on Legislation adjourned at 3:06 P.M.

(Rogowsky, Jenkins) Move to adjourn the Committee on Family Health and Human Services. Motion passed 5-0. Committee on Family Health and Human Services adjourned at 3:06 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST