

**COMMITTEE ON LEGISLATION JOINT WITH
COMMITTEE ON COMMUNITY SERVICES
MINUTES: June 23, 2008**

LEGISLATION

MEMBERS: Chair: Burton; Legislators: Rogowsky, Bronz, Myers, Nonna, Oros, Maisano, Abinanti

COMMUNITY SERVICES

MEMBERS: Chair: Bronz; Legislators: Spreckman, Alvarado, Abinanti, Burton, Myers

IN ATTENDANCE: **CE:** B. Randolph, **CA:** M. Gleeson, J. Adin, L. Cipollo; **BOL:** S. Bass, W. Wild, L. Goldstein, V. Cristiano, R. Pezzullo, K. Delgado, C. Giliberti;
GUESTS: A. Fellows

With a quorum present, the Committee on Legislation was called to order at 1:42 p.m.

MINUTES

(Myers, Rogowsky) Move to approve the minutes of June 2, 2008. Motion approved 5-0.

(Bronz, Myers) Move to approve the minutes of June 16, 2008. Motion approved 5-0.

BOARDS AND COMMISSIONS

(Bronz, Nonna) Move to approve the following agenda items: A1, B47-B55, B60, B63, B65, B71, B75 for appointment and reappoint to Boards and Commissions. Motion approved 5-0.

(Bronz, Myers) Move to approve a waiver for Mattie D. Grady-Smith, Esq. Motion approved 5-0.

PROHIBIT SALE OF COUGH SUPPRESSANTS CONTAINING DXM

With a quorum present, the Committee on Community Services was called to order at 1:45 p.m.

(Myers, Abinanti) move for the Committee on Legislation and (Myers, Alvarado) move for the Committee on Community Services to approve as amended, for all purposes, a local law to regulate the sale of Dextromethorphan (DXM).

Anne Nolan Fellows, Regional Director, State Government Affairs for the National Association of Chain Drug Stores, discussed her organization's position regarding the proposed legislation. She believes it is a very thoughtful proposal. She did not believe the signage requirement was workable due to the size requirement. Surrounding counties that have passed the law do not have such a provision. Some legislators believed it may serve as a good educational component.

(Rogowsky, Myers) Move to delete Section 863.1504. Motion approved 5-2 (Nay-Oros, Maisano).

The law will be enforced by the Department of Weights and Measures. The same method should be enforced as is the prohibition of ephedrine product purchases.

The legislation currently calls for the law to take effect 90 days after adoption. Ms. Fellows stated her organization believes 120 days is more workable. The consensus of the committee was to change 90 to 120 days.

The Committee agreed to delete the current section 1502 C, to renumber 1502-D to read 1502-C and to delete the second period at the end of the section.

Section 863.1505 will be renumbered to 863.1504, section 863.1506 will be renumbered to 863.1505 and section 863.1507 will be renumbered to section 863.1506.

Motion approved for The Committee on Legislation 9-0. Motion approved for the Committee on Community Services 5-0.

(Bronz, Myers) Move to adjourn the Committee on Community Services. Motion approved 5-0. The Committee on Community Services adjourned at 2:31 pm.

SOCIAL HOST LAW

The committee had a discussion about the impact of the definition of the word "Knowingly" as the legislation is currently drafted.

There was a consensus of the committee to make the following changes to the legislation:

Section 704.03 e. "Knowingly" strike ", or having reason to be aware of,". It will now read, "shall mean to be aware of the consumption of alcohol or alcoholic beverages by a minor;"

Section 704.4 a. line 4 delete the word "any" and replace with "one or more". Add an "s" to the word minor. Line should read "alcoholic beverages by one or more minors on such premises or to fail to take reasonable corrective action".

Section 704.04 a. line 5 strike, ", or have reason to be aware of ".

Chairman Burton asked the County Attorney to provide the committee with a legal memo regarding the issue of what would occur if a host didn't know somebody who was drinking was under the age of twenty-one; and supply revised legislation if necessary to make sure people would not be held accountable. The County Attorney was also asked to research if any similar laws in California have been found unconstitutional and if specific language needs to be added so local police can enforce this law.

The Chairman stated we would discuss the Social Host legislation again next Monday after the County Attorney's legal opinion was completed and circulated to committee members and the amendments as discussed were made to the bill.

(Myers, Oros) move to adjourn the Committee on Legislation. Motion approved 9-0. Committee on Legislation adjourned at 3:41 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST