COUNCIL OF THE CITY OF PHILADELPHIA

COMMITTEE ON LAW AND GOVERNMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, June 9, 2014
1:05 p.m.

PRESENT:
COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILMAN DAVID OH
COUNCILWOMAN MARIAN B. TASCO

BILLS 120248, 130922, and 140377
RESOLUTION 120253

- - -

COUNCILMAN GREENLEE: Good afternoon, everybody. This is the Committee on Law and Government. We have established a quorum: Councilman Kenney, Vice Chair of the Committee; Councilman Goode; Councilwoman Tasco; Councilman O'Brien; and myself, Bill Greenlee.

Let me first say for the record at the request of the sponsor, Bill No. 120248 and Resolution 120253 are being held to the call of the Chair.

Ms. Marconi, will you please read the title of the first bill before us today.

THE CLERK: Bill No. 130922, an ordinance amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," to clarify that it is discrimination based on sex and therefore an unlawful business practice for any employer to fail to accommodate an individual's reasonable need to lactate or express breast milk; all under certain terms and

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conditions.

COUNCILMAN GREENLEE: Thank you. Why don't you call the first couple witnesses. They can come up together.

THE CLERK: Rue Landau, Dr. Esther Chung, and Amal Bass.

COUNCILMAN GREENLEE: As they're approaching, the Chair recognizes Councilman O'Brien.

COUNCILMAN O'BRIEN: Thank you, Mr. Chairman. I would like to commend Councilman Kenney's attempt once again --

COUNCILMAN KENNEY: No, no, no. Wrong bill.

COUNCILMAN O'BRIEN: I'm sorry.

COUNCILMAN GREENLEE: Sorry about that.

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Ms. Landau, will you please. Why don't you start. State your name and proceed, please.

MS. LANDAU: Good afternoon,

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Chairman Greenlee and members of the Law and Government Committee. My name is Rue Landau, Executive Director of the Philadelphia Commission on Human Relations. As you know, the Commission is the City agency that administers and enforces the Fair Practices Ordinance, the City law protecting citizens from unlawful discrimination in employment, public accommodations, and housing and real property that Bill No. 130922 will further clarify.

Today, on behalf of the Administration, I appreciate the opportunity to testify in support of this bill and will highlight the issues affecting Philadelphia families that this bill will address.

Nationally, we have witnessed President Obama reaffirming equal protections for new mothers through the federal Affordable Care Act, which includes a provision requiring employers to offer reasonable break times for

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employees to pump breast milk up to one year after birth. The ACA states that employers must provide a private place, other than a bathroom, for employees to pump their breast milk so long as it does not cause undue hardship. Smaller businesses, those with fewer than 50 employees, are exempt from those federal requirements. Still, both a more clear legal and cultural foundation has been laid to produce a more inclusive work environment.

Closer to home, Pennsylvania's Freedom to Breastfeed Act permits covered or exposed breastfeeding in any location, public or private, in Philadelphia.

COUNCILMAN O'BRIEN: I'm sorry. Can you say that again.

COUNCILWOMAN TASCO: Please speak into the mic.

MS. LANDAU: Closer to home, Pennsylvania's Freedom to Breastfeed Act permits covered or exposed breastfeeding in any location, public or private. In

Philadelphia, while the Fair Practices Ordinance covers breastfeeding in public places, it does not include an explicit provision for a reasonable accommodation in employment, causing our Commission to accept and investigate cases under a theory of sex discrimination. Bill No. 130922 would rectify that situation and make protections to breastfeeding women in employment explicit in the FPO, covering all employers in Philadelphia with one or more employees. This addition to our law would further underscore Philadelphia's commitment to all employees and families, particularly women, and reinforce the City's unwavering commitment to the overall well-being of all workplaces and communities.

This is critical because many Philadelphia families rely on working women for their survival. Census data shows that women remain the primary or co-breadwinners in two of three

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Philadelphia households, a tally that includes nursing mothers. In addition, the Centers for Disease Control report that more than seven in ten mothers breastfeed their children at some point, with nearly four in ten mothers nursing exclusively during the first three months after childbirth.

Some would say that nursing mothers actually perform a valuable public service and should be supported and applauded. Science has concluded that when compared with their formula-only counterparts, breastfed children suffer from fewer chronic ailments such as ear infections, diarrhea, respiratory illnesses or other issues. That helps to lessen overall healthcare costs and heighten business productivity, with fewer new mothers being preoccupied or absent from work because of caring for a sick child. That's good for the City's economic bottom line.

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Historically, the Commission has investigated cases where new mothers have faced difficult choices between working and nourishing their children as they see best. We have seen instances across the country and even closer to home where women have had to resort to lawsuits to assert rights already afforded, such as Bockoras versus Saint Gobain Verallia North America. The issues of this 2013 Pennsylvania case are chilling, a nursing mother returning to work, being forced to first pump in a filthy bathroom and then a bug-laden locker room, where co-workers purposely would try to upset her with insulting pranks and comments. These are appalling work conditions and should never be tolerated, and this bill would help ensure that they won't take root here.

The Commission expects to remain the primary enforcer of laws designated to protect women like Bobbi Bockoras, including this bill, if it is

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enacted. Past updates to the Fair Practice Ordinance have helped shield many women from various forms of discrimination based on their sex, including public breastfeeding. This bill explicitly would ban a practice that is harmful to working mothers and their families. That is why the Administration is in support of this bill.

We thank Councilman Oh for sponsoring this bill to ensure that new mothers are not ridiculed at or forced out of their jobs, all because they want well-nourished, healthy children. And we thank the Law and Government Committee again for the opportunity to testify in favor of Bill No. 130922 with the proposed amendment.

COUNCILMAN GREENLEE: Thank you, Ms. Landau.

And let's hear from the other panel before we take questions.

If I could just say, Dr. Chung and Ms. Bass, we have your written

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testimonies. That will be made part of the record. If you could summarize your statements, because they're -- particularly yours is rather lengthy.

DR. CHUNG: I speak quickly. Okay. Thank you.

Good afternoon, Chairman Greenlee and distinguished members of the Committee on Law and Government. Thank you for the opportunity to provide testimony on behalf of the amendment to Bill 130922. My name is Dr. Esther Chung and I'm a Board-certified practicing physician with Nemours, Professor of Pediatrics at Jefferson Medical College, Medical Director of the Newborn Nursery at Thomas Jefferson University Hospital, and a Fellow of the American Academy of Pediatrics. I have had the opportunity to visit a number of small and large businesses with successful workplace lactation support programs. As a pediatrician and a mother of two children, I did breastfeed them, and I am

very familiar with the barriers to breastfeeding in the workplace based on my personal experience as well as that of my patients and families that I serve.

The evidence that breast milk provides health benefits to infants is well established and widely accepted and, as mentioned, it includes not only ear infections but also reduced rates of asthma, sudden infant death syndrome, childhood leukemia, and child obesity. Women who breastfeed also have health benefits, in that they are less likely to develop breast cancer, have less post-partum hemorrhage, and return to their pre-pregnancy weight more quickly. Breastfeeding also promotes infant bonding, which is thought to contribute to lower rates of child neglect seen in children who are breastfed.

Breastfeeding not only impacts children and women, but it also impacts society. Experts have shown that higher breastfeeding rates in the United States

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will result in a $13 billion annual savings and, therefore, breastfeeding is everybody's business.

The World Health Organization and the American Academy of Pediatrics recommend that all babies breastfeed exclusively for the first six months of life. In Philadelphia, however, only 29 percent of infants breastfeed at age 6 months, and only 61 percent ever breastfed. Among the ten largest cities in the United States, Philadelphia continues to rank 10th and last, having the poorest breastfeeding rates.

Philadelphia has been a city supportive of breastfeeding, and we are actually the first city to have an ordinance that allowed for public breastfeeding.

There's a biologic basis for breastfeeding. In order for women to continue to provide breast milk to their baby after returning to work, she must also express breast milk or pump while at

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work. In response to a baby's suck or, alternatively, to a breast pump, mechanoreceptors in the breast send chemical signals to higher areas of the brain, which ultimately cause a gland called the pituitary gland to secrete hormones, including prolactin and oxytocin, and these hormones result in milk production and secretion. The very intricate process of breastfeeding and breast milk production begins early and in mid-pregnancy. Many factors can negatively impact milk production, including stress, medications, and infrequent pumping. It is essential for working women to pump breast milk on a regular basis in order to maintain an adequate supply of nutrition for their baby. If milk removal or pumping is stopped, then milk secretion drops and eventually ceases, and the mammary gland or breast tissue is remodeled back to its pre-pregnancy state.

Returning to work is a major

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barrier to breastfeeding for many women and has been shown over and over again in the literature that is one of the most common reasons why women do not even start breastfeeding or continue breastfeeding.

Workplaces need to provide time and a place, as mentioned previously. No one would prepare a meal in the bathroom. Therefore, women should not be expected to express milk in an unsanitary environment like a bathroom.

A minority of working women are able to breastfeed after returning to work because a majority of women are not given the support that they need.

As a physician working in a hospital, I would not have been able to breastfeed my two children, who are now 18 and 14, without a private room or office where I could pump. In the U.S., the majority of working women, however, do not have a private office or room where they can pump. Section 4207 of the

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ACA, as mentioned, provides a reasonable amount of time and a place for hourly paid workers to express breast milk when a baby -- until a baby turns one. Unfortunately, not all women, including administrative and executive professionals and even teachers, are covered by Section 4207 of the ACA. The majority of women that I speak to on a daily basis in our Newborn Nursery do not even know that such a section of the law exists.

I met a 26-year-old low-income African American mother who was a first-time mother, very much wanting to breastfeed. She was successful in the nursery, but when I told her that it would be great if she continued when she went back to work, she said to me, You don't really understand. I don't have that kind of job where I can pump, and my boss wouldn't even understand or even care. She worked as a cashier, and in reality, there was no place for her to

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pump other than the bathroom.

Another 33-year-old Caucasian middle-income experienced mother who worked in a nearby hospital brought her daughter to see me for the first time as a patient. And knowing that she was breastfeeding, I continued to support her. I saw her at four months and I asked how things were going, and she told me that she had stopped breastfeeding because her employer was not supportive and would not allow her the time that she needed to pump.

Breastfeeding makes business sense. First, the return on investment is substantial. We actually have companies like our own CIGNA that showed some of this data, that for every $1 invested in providing a room, space, time, that there's $3 in savings of healthcare costs, and that's based on lost productivity from parents missing work to take their sick child to the doctor's office. Companies with

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breastfeeding or lactation support programs have shown a cost savings of approximately $400 per baby per year, and that's based on data that's about ten years old.

Second, employees miss fewer days of work and are more likely to stay in their jobs and have better job satisfaction. And then productivity has also been shown to be increased.

No woman should have to choose between her job and the health of her baby. During these hard times, families more than ever need to return to work, and women should not have to choose between their job and the right to breastfeed or breast pump. Workplaces should provide the necessary supports. And with a three-to-one return on investment, being everybody's business, and having fewer missed days of work and higher productivity, breastfeeding makes business sense.

I am proud to say that Thomas

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Jefferson University, following the passage of the ACA Section 4207, went from having one building with two pumping rooms to now having six buildings with seven pumping rooms, demonstrating that laws really can make an impact.

I urge you to support the amendment to Bill 130922, which provides mothers with the right to express breast milk while at work and requires workplaces to provide reasonable time and a place, other than the bathroom.

Thank you very much, and I'd be happy to answer any questions.

COUNCILMAN GREENLEE: Ms. Bass.

MS. BASS: Thank you. Good afternoon. My name is Amal Bass. I am a staff attorney at the Women's Law Project, which is a non-profit legal advocacy organization based in Philadelphia that seeks to advance the legal status of women and girls through litigation, public policy advocacy, community education, and individual

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counseling.

Health experts are -- there's a consensus about how important breastfeeding is for both mothers and babies, and we've heard from Dr. Chung about those benefits, so I won't go into that here today.

In Pennsylvania, about 70 percent of women initiate breastfeeding after the birth of their babies, but only 16.5 percent nurse exclusively at six months. In order for a working mother to maintain her milk supply, she will need to express milk while at work, but many women find that their employers will not accommodate their need to express milk in the workplace. Women often cite the difficulty they face in securing accommodations in the workplace as one of the reasons for why they either stop breastfeeding entirely or have to supplement with formula.

At the Women's Law Project, we often hear from women in Pennsylvania,

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including in Philadelphia, whose employers have denied them unpaid break time or a private space to express breast milk. Many of these women resort to pumping in bathroom stalls or in their cars. Sometimes they skip pumping entirely while they are at work, causing them to experience significant physical pain while increasing their likelihood of an infection in their breast and decreasing their milk supply. Occasionally we hear from women who feel compelled to leave their jobs because their employers fail to accommodate their need to express milk in the workplace, leaving those women caught between the advice given by their children's pediatricians and the other unreasonable demands of their employers.

While 24 states and the District of Columbia have laws that would protect many of these women, Pennsylvania does not have a law that pertains to expressing breast milk in the workplace.

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Until 2010, women in Pennsylvania had little legal recourse when their employers refused to accommodate their need to express milk. That changed for many, but not for all women, with the passage of the Affordable Care Act, which included an amendment to the Fair Labor Standards Act known as the Break Time for Nursing Mothers provision. The Break Time for Nursing Mothers provision requires employers to provide all employees covered by the Fair Labor Standards Act overtime provision with reasonable unpaid break time and a private sanitary space for expressing breast milk. Employers with fewer than 50 employees do not have to provide these accommodations if doing so would impose in undue hardship on them.

The Break Time for Nursing Mothers provision of the ACA helps many women whose employers have refused to allow them to express milk in the workplace. However, it does not protect

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women who choose to nurse their babies beyond one year, nor does it protect employees who are exempt under the Fair Labor Standards Act, which includes employees working in an executive, administrative or professional capacity. As a result, determining whether a woman is exempt or non-exempt under the Fair Labor Standards Act is often an issue in these cases.

At the Women's Law Project, we have heard from women whose employers have denied the request to express breast milk in the workplace on the basis that they are exempt employees, even when their jobs might not meet the legal requirements under the Fair Labor Standards Act to be considered exempt. Exempt status under the Fair Labor Standards Act is often a fact-intensive analysis that differs from job to job, an analysis that is sometimes necessary under the federal law, but would not be necessary under the bill we are

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discussing here today.

By eliminating the distinction between exempt and non-exempt employees for the purposes of expressing breast milk in the workplace, the bill we are discussing today would fill a gap left by the federal law by covering all employees and it would clarify employers' obligations and employees' rights. The bill amends the Fair Practices Ordinance to require employers with one or more employees to provide reasonable accommodations to women who need to express milk in the workplace. It provides clear instructions to employers and employees about what constitutes a reasonable accommodation, and there is a definition in there specifically included.

Thus, if enacted, this bill would provide to employees in Philadelphia who are exempt from the Fair Labor Standards Act who want to nurse a child beyond the first year of life the

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same rights given to nursing mothers covered by the Fair Labor Standards Act in the Affordable Care Act. This is an important step.

However, the Women's Law Project recommends one change to the bill. Under the bill, employers of any size can deny an accommodation to a nursing mother by asserting that it imposes an undue hardship. The ACA only allows smaller employers, those with fewer than 50 employees, to deny accommodations based on undue hardship, and we believe this bill should do the same. As a legal matter, under the factors listed in Section 9-1128 of the Fair Practices Ordinance that guide whether an accommodation imposes an undue hardship, which includes the size of the employer with respect to the number of its employees, it is unlikely that large employers will prevail on the question of undue hardship, because they have more employees to fill in for an employee

while she is pumping and they often have more space available for pumping. But by allowing large employers to assert undue hardship in the first place, this bill enables them to unreasonably delay a woman's ability to express milk. By the time she enforces her rights, the delay in pumping at work may decrease her milk supply and foreclose her ability to breastfeed.

With breastfeeding, time is of the essence, and it's the Women's Law Project's position that an employer must have a reasonable likelihood of success of proving that providing a workplace accommodation to a nursing mother is an undue hardship before the law should allow them to assert it either as a delay tactic or simply out of ignorance or confusion.

Overall, this bill is an important piece of legislation, though, that would help fill many gaps in the federal law by ensuring reasonable

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accommodations to women that allow them to express milk in the workplace. With this law, women in Philadelphia would not have to choose between working and providing their children with the benefits of breast milk. We strongly support this legislation.

Thank you.

COUNCILMAN GREENLEE: Thank you.

Any questions?

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman.

I'm curious as to why 50 employees. It seems like an awful lot of people in a company, that all these moms who work for companies with less than 50 people --

MS. BASS: In the version that we're discussing today, there is no number. Anyone can assert the undue hardship. It's the federal law that has 50.

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COUNCILMAN KENNEY: So the 50 is --

MS. BASS: Is under the federal law.

COUNCILMAN KENNEY: It still seems like an awful big company.

MS. BASS: Yes, it does. I think that law predates -- I mean, it goes to other federal laws like the Family Medical Leave Act, which has 50 or -- has that same kind of language in it. So I think that's just the number we use.

COUNCILMAN KENNEY: You can provide a screen that you would see in a drugstore where people are ordering their medication, they stand behind the screen sometimes if they want privacy.

MS. BASS: That's exactly right. So it's hard to prove that this would be an undue hardship. So by allowing employers of any size to assert it, they can -- and they might do it just because they're confused, but by allowing

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them to assert it, they can actually delay a woman's ability to express milk, and that might foreclose her ability to breastfeed at all.

COUNCILMAN KENNEY: I worked in a restaurant in the '70s in high school and college where the owner of the restaurant actually threw a woman out, a customer out, which is like the most appalling thing I've ever seen. It was just ridiculous. I mean, hopefully we've come some ways forward since the '70s, I would think.

MS. BASS: I wish I could say that didn't happen anymore, but it does still happen.

COUNCILMAN KENNEY: All right. Thank you.

COUNCILMAN GREENLEE: Councilman O'Brien.

COUNCILMAN O'BRIEN: Thank you.

Babette Josephs amusingly used to call me the breast man in Harrisburg because I was involved in this issue when

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I was involved in the response to the Breast Cancer Protection Act. But in response to Councilman Kenney's query, the insurance industry and the National Federation of Independent Business arbitrarily pick out 50 or more because they just say. And even though we've debunked that successfully in Pennsylvania with the passage of the Autism Insurance Act of Pennsylvania, Breast Cancer Protection Act and Colorectal Cancer, they still spew that information all over the country. But I think in your testimony you provided the response to that, and I believe it's important to echo what Councilman Kenney said here; that is, that some people will choose not to be employed by those employers. And if you're one of those key employees that you're not allowed to breastfeed, then you will go to the bigger companies that will allow you and provide that, and it could cripple the economic vitality of that small business.

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So that is a compelling argument, and I believe it has always been and always will remain to be an arbitrary standard, and I welcome the opportunity to say that again here today.

But thank you for your testimony. I've heard a lot of that before, but, again, I believe that it has to be amplified and it can't be stated enough.

Thank you.

COUNCILMAN GREENLEE: Thank you.

Councilwoman Tasco.

COUNCILWOMAN TASCO: How often does a woman have to pump during the day in an eight-hour day, workday?

MS. BASS: That is going to vary from woman to woman.

Dr. Chung, you might be best to answer that.

DR. CHUNG: It is variable. Some women will need to pump every three hours, depending on their milk

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production, but other women will just need to pump once at work. A lot of people will do it strategically before they leave for work so that they're not having to take break time, do it at break time, and then do it again before they leave.

COUNCILWOMAN TASCO: What are some of the objections by the employers to this?

DR. CHUNG: I've been told people don't even know what the concept of pumping is. They know they pump gas, but they have no idea why a woman would need to pump their breast. And so there have been pretty unique videos made about this.

So I think some of it is education. And so I know at the federal level they've had the business case for breastfeeding where they've tried to really not only have place and time as well as a space, but to educate employers about the need and that it's not going to

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affect productivity. I think the sense is they don't want women to be treated differently than men, allow for more time and be special somehow. And yet with minimal accommodations -- I mean, people have actually gotten the size of the room down to dimensions of like 4 by 9, and as you may know, there's some women who pump in a closet. There's a book written about women who were all pumping in a closet and they started a memo book. So just some of the humiliation, lack of education, which is why employers won't allow it, but we think that it's going to actually enhance productivity.

MS. BASS: I think most of the time I don't really understand why the employers are denying the request, but they do, and we do hear from women who just frequently are told that they can't do this in the workplace. I think some of it comes from the idea that this is private and you've made a choice to have a child and it can't impact the

workplace. It comes from sort of a sense of that kind of remaining in our society. And also from the idea that it's an accommodation, that if I have to do this for you, do I have to make other accommodations for everyone, and they might not realize that that may already be required under federal law, or even if it's not, if they're one of the people that the federal law doesn't apply to, that it's actually good for their business, it's good for their environment, and it's good for their workers to do it, to allow it to happen.

MS. LANDAU: Also, Councilwoman, it seems foreign to some employers the concept of pumping, that we've heard employers say sometimes, Oh, you can have the baby brought to you and then be able to breastfeed at work, and the employee says, No, that's not what I'm asking to do. I'm not saying I want someone to bring my baby to me. I actually just need to pump.

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COUNCILWOMAN TASCO: Need to talk to the mothers.

Thank you.

COUNCILMAN GREENLEE: Thank you.

Councilman Kenney.

COUNCILMAN KENNEY: Just one final comment. I would assume that if men could bear children, we wouldn't be having this discussion. And I think that's part of what -- it's the lack of sensitivity because you're not in that situation. And since it's kind of a male-dominated world, changing every day, that that's things we have to deal with like this. So happy to support it.

MS. LANDAU: Thank you.

COUNCILMAN GREENLEE: Any other questions or comments?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you all very much. Thank you for coming.

Ms. Marconi, who else do we

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have on our list.

THE CLERK: Katja Pigur and Bonnie Higgins-Esplund.

COUNCILMAN GREENLEE: Other than these last two witnesses, is there anyone else here to testify on Bill 130922?

(No response.)

COUNCILMAN GREENLEE: Okay. They'll be our last witnesses on this bill.

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Please identify yourself. Again, if you have written testimony, it will be made part of the record.

Go ahead. Please.

MS. HIGGINS-ESPLUND: Hello. Thank you. Very glad to be here to testify on the behalf --

COUNCILMAN GREENLEE: A little bit more in the microphone, please.

MS. HIGGINS-ESPLUND: My name

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is Bonnie Higgins-Esplund. I am a registered nurse and an international Board-certified lactation consultant at the Hospital of the University of Pennsylvania and I also am an Executive Board member from the Pennsylvania Breastfeeding Coalition here to support and testify on this bill.

COUNCILMAN GREENLEE: That's it?

MS. HIGGINS-ESPLUND: I'm sorry. I thought you were -- okay.

COUNCILMAN GREENLEE: I was going to say, I really appreciate your brief testimony.

MS. HIGGINS-ESPLUND: No. I have a letter of support that was drafted from our Chair and then approved by the Executive Board, and a lot of it is information that was already presented, but I'm just going to read the bill, and then I also have some clinical scenarios that I've actually experienced from mothers in my practice.

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COUNCILMAN GREENLEE: The letter will be made part of the record.

MS. HIGGINS-ESPLUND: Okay.

The Pennsylvania Breastfeeding Coalition was established in 1992 in the Commonwealth of Pennsylvania. The mission of our coalition is to facilitate community and statewide efforts to protect, support, and promote breastfeeding as the cultural norm. Our members are advocates from across the state comprised of health professionals from hospitals, clinics, local and state-level health departments, and universities, concerned parents and citizens, and volunteers from community organizations such as La Leche League and nursing mothers counselors. Each member contributes voluntary time and expertise to activities that support breastfeeding in Pennsylvania.

And then we've heard this, that according to the U.S. Department of Health and Human Services and the CDC,

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across the U.S. most mothers hope to breastfeed. It is an action that mothers can take to protect their infants and their own health. Support from their families, communities, clinicians, healthcare leaders, employers, and policymakers can help mothers accomplish their goals to breastfeed their baby.

As you know, the Affordable Care Act grants protection to women who are covered by the Fair Labor Standards Act to obtain adequate break time and a sanitary place to pump. However, this leaves the exempt employees, including salaried workers, without this protection. Sadly, women are being challenged by employers and co-workers, at times prohibiting them the ability to pump and to provide milk for their infants.

Worksite lactation support is not overly burdensome, which we had heard previously, to employers and can bring about cost savings through reduced

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absenteeism, lower healthcare costs, higher employee retention, and improved productivity.

We believe that the proposed legislation and this bill providing for accommodations for nursing mothers to express milk in the workplace is imperative to enabling women to succeed in breastfeeding, according to the public health recommendations, and meet their own goals to breastfeed.

We are pleased that the Philadelphia City Council has proposed this bill and support expedient passage.

That was from our Chair.

And I would really like to share some of these personal scenarios that I've had with patients, and one of them was just recently. This was a mother of a premature infant that was born 12 weeks early and the baby weighed 2.5 pounds and she was not able to maintain her milk supply to provide enough breast milk for her baby when she

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returned to work. She worked in Philadelphia and went back early so that she was able to -- so when her baby was discharged, she could take the remainder of her FMLA. Typically mothers of premature infants since they're in the hospital for so long, they may go back to work within four to six weeks and then save that time for later.

She had initially wanted to formula feed, but after education from our pediatric team and our nurses and our lactation consultants of the benefit-risk of not breastfeeding her premature infant, she changed her decision and wanted to provide breast milk for her baby.

When she -- her particular position, she was not at a designated worksite. And I don't know the specifics, but she perhaps could have been a bus driver, she could have been a police officer, some place where she did not have a designated workplace to pump,

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and she spent her lunch breaks at public food courts and lunch trucks. So she had no place to pump, and she was not also accommodated at the time. And this particular point was actually an -- it was a non-exempt employee. She was a salaried employee.

So she could not pump in her increments and she was not able to breastfeed her infant to maintain her milk supply, and then the infant ended up going on what we call human donor milk. This is a substitute for babies. It's women will donate milk, and it's a healthy and safest alternative. But the research has shown that there's a high correlation that a mother's own milk has the best outcomes for their babies.

And so recently I had a nurse tell me from a Philadelphia hospital -- all of these scenarios are from Philadelphia employees -- that she did not have a sanitary place to pump. The space she had previously pumped was in a

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medication room. Nurses go in and out of that medication room, and she was in the way, so the employees and her fellow colleagues were disgruntled, and then she was asked to pump in a closet, a dirty closet.

And another scenario is that I had a manager from a Philadelphia hospital. She was referred to me for the particular law of providing break time for breastfeeding mothers. Some of those employees were exempt, some were non-exempt, and I told her the law. But her reasoning was that she was not able to provide sufficient break time because it just interfered with the workflow of the unit and that their times were at a certain time. So other employees became very disgruntled because then this allowed -- this created more work for them.

Frequently mothers want to breastfeed, but may wean abruptly, and they choose to -- they may choose to wait

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to the three-month mark when they go back to work and maybe because they didn't -- they wanted to continue breastfeeding, they weren't prepared to stop, so they wean abruptly, or they had planned to go to work and pump at work and unexpectedly it was not conducive to their work conditions. So this may cause physical discomfort and potential health risks for the mother such as breast infections.

That's it.

COUNCILMAN GREENLEE: Thank you.

I'd like the record to reflect Councilman Henon, a member of the Committee, is also present and neglected to mention earlier Councilman Oh, the sponsor of the bill, is present and Councilman Jones, the Majority Leader is present.

I know you had a question, Councilman. Let me hear from the other witness and then...

Please, identify yourself and

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proceed. Talk right into that microphone.

MS. PIGUR: I would like to thank the City Council for this opportunity to provide testimony on the proposed amendment to Bill No. 130922. My name is Katja Pigur and I'm speaking in my role as the Director of Clinical and Breastfeeding Services of the Maternity Care Coalition, a working mother, and as a breastfeeding advocate.

Since 1980, Maternity Care Coalition has been bringing people together who care about the health and well-being of pregnant women, infants, young child, and high-risk families. Our mission is to improve maternal and child health and well-being through collaborative efforts of individuals, families, providers, and communities.

Empowering women to initiate and continue to breastfeed has always been an integral part of MCC's home base services. The Maternity Care Coalition

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has been honoring employers and businesses for their excellent player support of breastfeeding employees and patrons since 2004.

In March 2010, Maternal Care Coalition, MCC, partnered with the Philadelphia Department of Public Health and launched the Breastfeeding-Friendly Philadelphia campaign as a part of the Get Healthy Philly initiative to improve citywide breastfeeding rates through a twofold approach. First, encouraging hospitals to implement evidence-based policies and practices to support and promote breastfeeding and, second, promoting the health and economic benefits of breastfeeding within the business community and helping employers create and strengthen lactation support policies and programs for their worksites. Since then, all six Philadelphia birthing hospitals have joined together to help create a Breastfeeding-Friendly Philadelphia,

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which includes working to help mothers make an informed choice about infant feeding and to use their collective voices to make citywide changes that promote, protect, and support breastfeeding.

But let's be honest, our local hospitals can't do it alone. In 2011, the Surgeon General's call to action asked for active involvement and support from family members, friends, communities, clinicians, healthcare systems, and employers. It takes a village to raise a healthy and happy child, and it also will take a village to create a breastfeeding-friendly city, a Philadelphia of Motherly Love.

Because of the joint efforts of City hospitals, more mothers are initiating breastfeeding. Many of them are working moms and wish to continue breastfeeding after returning to work. In response, MCC created a Breastfeeding-Friendly Employer

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Certificate program, including technical assistance services for free to motivate and honor companies and organizations that support nursing employees.

Breastfeeding makes a difference. It is the healthiest food for babies, critical for the development of healthy individuals and communities. The World Health Organization and the American Academy of Pediatrics have identified breastfeeding as the optimal method of infant feeding, ideal for fostering nutritional immunological and emotional health. In a time when 60 percent of all our children are obese, there is a lower risk of obesity for both mothers and babies. Both organizations recommend exclusive breastfeeding for six months, followed by continued breastfeeding as complementary foods are introduced, with continuation of breastfeeding for one year or longer as mutually desired by mother and infant. The effect of breastfeeding is related to

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the dose, which means that health effects are stronger for both mother and baby when breastfeeding continues for a year or more.

Breastfeeding is the cheapest and best preventive medicine, and the risks of not breastfeeding affects our society as a whole. Yet, despite these benefits, 23 percent of women in the United States do not breastfeed after giving birth, and more than half stop breastfeeding by six months or even never start. Philadelphia's breastfeeding rate is an unacceptable 14.3 lower than the national average at delivery -- in Philadelphia, 60.2 and nationally, 76.5 -- and 14 percent lower at six months after birth. That is 28.9 percent versus 43 nationally.

More than 50 percent of women with infants and a one-year-old in the labor force in two-thirds of these are employed full time. Employed mothers are more likely to stop breastfeeding early

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if they do not receive the supports they need in the workplace. Workplace support makes a difference. Federal law provides mothers reasonable break time to express milk in a private non-bathroom location for one year after the child's birth. As of now, this provision only applies to non-exempt hourly wage earning employees and provides protection support for the most vulnerable workers. Working with employers, I notice that this leads to lots of confusion about who is covered and how to implement breastfeeding support for an exclusive employee group.

So many moms that I talk with on a daily basis want so badly to continue to breastfeed when they go back to work, but the barriers they face are sometimes insurmountable. There are barriers such as a lack of private space, a lack of suitable accommodations, and a lack of support from their supervisor or co-workers. Just the other day, a staff person from one of our certified

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breastfeeding-friendly employers reached out to me and asked for my advice. His wife, who is the mother of two small children, struggles at her workplace with receiving appropriate accommodations to express her breast milk. She's an exempt employee, and by trying to combine her work responsibilities and her need to pump, she was publicly labeled as being needy by her co-workers during a work meeting.

Every day women face discrimination and harassment for breastfeeding their children. When these situations happen, it is time to stop and ask what is it about our society that is preventing so many women from breastfeeding. Is it really so difficult for employers to provide support for breastfeeding mothers? The answer is clearly no.

So what do mothers need to successfully continue breastfeeding when they return to work outside the home?

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They need time and a clean private space to express their breast milk, formal and informal support at the workplace, gatekeepers at the workplace who make sure that the support happens, and legislation to make sure that their breastfeeding success does not depend on the level of empathy of a supervisor or the mercy of workplace policies that vary from employer to employer.

Our Philadelphia certified breastfeeding-friendly employers agree with us that this is clearly a win-win situation for employer, worker, family, baby, and society as a whole. The Department of Health and Human Services has published a business case of breastfeeding, which shows that employers that provide lactation support experience an impressive return on investment, almost three to one, including lower healthcare costs, absenteeism, and turnover and improved morale, job satisfaction, and productivity. The

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retention rate for companies providing lactation support is 94 percent. The national average is 59 percent. We should feel compelled to make these changes on behalf of working mothers.

Let's enact the amendment to Bill No. 130922 now and support women to continue breastfeeding by bringing home a paycheck to support themselves and their families. Let's join our efforts and make Philadelphia the City of Motherly Love.

Thank you for your consideration.

COUNCILMAN GREENLEE: Thank you.

Any questions?

(No response.)

COUNCILMAN GREENLEE: Councilman Jones, you had a question?

COUNCILMAN JONES: Yeah. I have a quick question for anyone who testified today. I was listening in my office and felt compelled to come in.

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Two quick questions. One, I was looking at the number of lawsuits that have been filed in different circumstances and I guess, Mr. Chairman and Councilman Oh, the author of the bill, that from everything from bookstores have been sued to airports have been sued because they wanted to require -- the TSA workers wanted to require x-ray of the milk, which has an effect on the milk possibly. And so municipal pools, Starbucks, restaurants.

At what point -- at some point we're going to have to notify, particularly anything run by the City of Philadelphia, that this law is in effect since 2010 and that we need to adjust our policies accordingly. So particularly the Airport folk, we might want to send a letter, Mr. Chairman, asking them how they are complying with this by way of x-rays at least, and then applaud you and the Committee and the author for bringing this subject up.

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COUNCILMAN GREENLEE: I'll talk to Ms. Landau about that. That's something that we could probably work together on.

COUNCILMAN JONES: Do we have --

MS. PIGUR: So I actually have here the information for you. So one of our certified breastfeeding employers is actually -- was the Philadelphia Department of Public Health, and as a result, Mayor Nutter actually signed an Executive Order that women and working mothers receive workplace breastfeeding support. I actually tried to reach out. I wanted to work also with the Airport to implement that support, but it's a City agency, I understand, so they should be providing workplace breastfeeding support, but I don't really know what's exactly happening. So I appreciate your point, because definitely I would recommend to look into that, and I'm happy to work with them.

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And the other piece too will be breastfeeding milk actually. So I think -- and you can correct me -- when you have breast milk, you don't have actually to send it to x-ray. You give that to them and explain to them, and then they don't put it through the x-ray. That is one of the liquids you actually are allowed to bring on the plane.

COUNCILMAN JONES: Thank you, Mr. Chairman.

COUNCILMAN GREENLEE: Thank you.

Any other questions or comments?

(No response.)

COUNCILMAN GREENLEE: Seeing none, anyone else here -- let me try one more time -- to testify on 130922?

(No response.)

COUNCILMAN GREENLEE: Seeing none, just for the record, before we move to the next bill, there will be an amendment submitted by the sponsor,

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Councilman Oh, presented at the meeting, which further defines reasonable accommodations.

With that, we'll go to our next bill. Ms. Marconi, will you please read Bill No. 140377.

THE CLERK: Bill No. 140377, an ordinance amending Title 10 of The Philadelphia Code, entitled "Regulation of Individual Conduct and Activity," by adding a new Chapter 10-2100, entitled "Marijuana Possession," to create a civil penalty for the possession of certain items and to provide for penalties and enforcement procedures for violations of such provisions, all under certain terms and conditions.

COUNCILMAN GREENLEE: Our first witness is?

THE CLERK: Michael Resnick.

COUNCILMAN GREENLEE: As they're coming up, I recognize Councilman Kenney and then Councilman O'Brien.

COUNCILMAN KENNEY: Thank you,

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Mr. Chairman. Back on March 10th, 2014, this Committee heard testimony on Bill 140001, which was the first iteration of the bill and policy shift that is before us today. After that bill was moved out of Committee favorably, I had several meetings with members of the Philadelphia criminal justice community and I became convinced that because of bureaucratic red tape, the policy and aim of the bill would not be accomplished. At that point and with the help of the legal community, specifically Paul Messing of ACLU, I introduced Bill No. 140377, which is before us today.

The bill creates a civil violation of The Philadelphia Code for the possession of a small amount of marijuana, essentially an ounce. The fine for this violation will be $25, and instead of a mandatory arrest, the person would be handed or mailed a ticket, which will be payable by mail, in person or online. This procedure will save

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thousands of police officer hours estimated to be about 17,000 hours a year, which represents 2,100 eight-hour shifts where officers are off the street processing people with small amounts of marijuana, and it will save countless young people from trauma of an arrest and the specter of an arrest record that will hamper them from finding employment.

As a reminder to all members here, in your packet of information is the copy of the latest report by the ACLU regarding marijuana arrests in this city. The numbers bear out starkly the issues of who is and who is not being arrested for marijuana possession. While I can understand the Police Department's reasons and explanations for these numbers, I continue to believe we can and should be doing better.

I support the Police Commissioner in his efforts to gain approval from the General Assembly to lower this offense at the state level to

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a summary offense. In fact, all of the issues that the Administration have raised with this bill would also be faced by the police if there were a change at the state level. They did not put that in their testimony today.

But my issue is that we cannot sit idly by while our kids are treated differently than those in other counties by making mandatory arrests, and we cannot sit idly by while these kids are given arrest records that will follow them forever. Philadelphia must be a leader on this issue, and I am hopeful that with the support of this Committee and the support of the full Council, we take a stand that we do not tolerate unequal justice for any of our citizens.

In the end, in order for this policy to be implemented in the best way possible for officers and citizens alike, we must have leadership from the Administration to make clear to the entire City what our Police Department's

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internal guidelines will be going forward. We hope to see that Executive Order issued quickly and thoughtfully. The Police Department has asked for an implementation period, and this bill includes exactly that. We hope to see action from the Mayor's Office before that three-month mark, and we have faith that with the cooperation and leadership, we can immediately work to improve the lives of all here in Philadelphia.

So thank you for the opportunity to make an opening statement.

COUNCILMAN GREENLEE: Thank you, Councilman.

Councilman O'Brien.

COUNCILMAN O'BRIEN: Thank you, Mr. Chairman. I commend Councilman Kenney's attempt to once again bring this dialogue in an effort to reduce resources spent on small amounts of marijuana arrests in the Police Department, DA's Office, and the courts. Efforts have been made by other agencies to ease the

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resources spent on marijuana arrests. The DA's Office implemented SAM, Small Amount of Marijuana, after an attempt to make possession of marijuana a summary offense. This attempt was struck down by the Supreme Court of Pennsylvania.

Despite the Law Department's memo and the technical limitations of the language, I still believe that if this ever went before the Supreme Court, they would likely say that Philadelphia has no business making up its own penalties for things that the Legislature has already penalized.

Regardless of where you fall on this issue, we're bound to live within the confines of our laws, and the reality remains that in Pennsylvania, possession of marijuana remains illegal. To change that reality, you have to go to Harrisburg. And while this bill doesn't per se decriminalize marijuana possession because it's civil in nature under the The Philadelphia Code, it essentially

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aims to have the same effect. But the truth remains, this bill does not change the law. The bill does not make marijuana legal. This bill does not take away any officer's ability to arrest, the DA's ability to prosecute, and the court's ability to sentence.

Marijuana, the possession of it, the smoking of it, remains illegal. I fear the limitations of this bill will be lost on the public. The public will believe that marijuana is legal in Philadelphia. My concerns on the bill are as follows:

The impact on police: Will the police be put in an awkward position to decide who to arrest and who to issue a ticket to? There are numerous other police departments operating in the City of Philadelphia, Temple Police, SEPTA Police, Penn Police, and sometimes the State Police. This bill has no jurisdiction over those other police departments. Therefore, people will be

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treated differently depending on where you are arrested and who arrests you.

If I'm arrested and someone else is fined, can I sue the City for unlawful arrest? Can this raise unwarranted equal protection claims against the City?

What is 30 grams of marijuana?

COUNCILMAN KENNEY: It's an ounce.

COUNCILMAN O'BRIEN: Police do not carry scales.

Furthermore -- and this is a concern -- many times people are in possession of marijuana that is laced with other substances. How are police to know without confiscating and testing?

I'm concerned about the public perception, what kinds of problems this will cause for police officers when and if this bill passes with the public. Will the public believe that marijuana is now legal in the City of Philadelphia and when a police officer arrests you, that

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they do not have the right to do so? How many aggravated assaults on police officers will we have due to the misunderstanding and misinterpretation of the law?

Public places: What about public places? Will it now be only a fine of $25 to smoke marijuana in public?

It is not a question of public health to allow people to smoke marijuana in public. Do you want to be standing on a corner or a bus stop with your children while someone is smoking a joint? What does the Health Department have to say about that?

Both in Washington, DC and Chicago, they make it clear that it is not okay and remains unlawful to smoke in public. Even Colorado where marijuana is legalized statewide, it does not allow smoking in public.

There are specific carved out prohibitions to not only public smoking, but also public impairment.

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Fine: The fine is entirely too low, $25. You have to pay $50 for an open container violation, and alcohol is legal. You have to pay $50 for public urination and defecation. Skateboarding, rollerblading, bicycling on public property is a $300 fine. The Chicago ordinance itself calls for fines of $250 to $300.

Probation: What about people who are on probation and the judge specifically orders that they do not possess or consume any controlled substance? How will the judge know that this person was fined $25 for violating their order? Police officers do not have the capability to know whether someone is on probation from the street.

Thank you, Mr. Chairman.

COUNCILMAN KENNEY: Just --

COUNCILMAN GREENLEE: Okay. I don't want it to go back and forth.

COUNCILMAN KENNEY: I want to clear up a couple things before we get

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into the testimony.

COUNCILMAN GREENLEE: Okay. Sure.

COUNCILMAN KENNEY: First of all, we can't find a county in the Commonwealth of Pennsylvania that arrests for marijuana possession. So Philadelphia dragging us down into the depths of drug addiction and use is just not accurate. They've been issuing citations in Pittsburgh and even in Montgomery County for quite some time. We cannot find a county in Pennsylvania that actually physically makes an arrest.

When it comes to SEPTA Police and university police, I am positive that if this is in place, we could have a dialogue with them that would allow them to comply with our laws. And also Philadelphia Police theoretically would not be transporting any of these arrestees to a booking operation.

We are behind in our technology when it comes to our police. We have not

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invested in the technology necessary for them to do their jobs as well as -- someone gave me an example of a summer police officer in Wildwood has the ability to find out if you have a warrant or have any other issues relative to their stopping and frisking you. We're in the dark ages IT-wise, but that does not mean that our citizens should be taken advantage of as a result of our IT inadequacies.

I think that the real leadership on this should come from the Mayor. There should be an Executive Order. The Law Department, believe it or not, for the first time I think in my career, the Law Department actually agrees with us, and that like never happens, as it relates to interfering with any state law.

So I just think 4,000 people a year, 83 percent of them African Americans, are the only people being stopped and frisked in this city, and

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that's the Administration's policy. I don't agree with it, but that's their policy, and that's why they're getting caught. And last year I believe in the 5th Police District, which represents Manayunk, East Falls, Main Street in the 4th Council District, there was one arrest. A very unluckily black man got arrested for marijuana possession in the 5th Police District last year in an area that's highly college, highly young. I'm sure there's people there that are using marijuana on a regular basis. And I'm not suggesting that we encourage people to use it. I don't see any reason why some kid who is coming out of a concert with two joints in his pocket deserves to spend Friday through Monday in lockup because it's a weekend. And we've had those cases and we've had people testify to that stuff.

So I just think we need to come into the new world and do what -- Pennsylvania is not a progressive state

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in any level, but I think we should be more progressive than the rest of the state, who are not arresting people for this activity. So that's just my opinion.

Thank you.

COUNCILMAN GREENLEE: Thank you.

Mr. Resnick, please.

MR. RESNICK: Good afternoon, Chairman Greenlee, Vice Chair Kenney, and members of the Committee on Law and Government. My name is Michael Resnick, Director of Public Safety for the City. With me I have Captain Francis Healy, Esquire, Special Advisor to Police Commissioner Ramsey.

We appear before you today to offer testimony on Bill 140377. In short, the Administration is not unsympathetic to the overall intent of this bill. However, we believe that if implemented, this bill will present numerous legal and operational

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difficulties for our officers on the street. We appreciate that the sponsor has proposed a set of amendments that address certain issues we have discussed and recognize that they're offered in good faith. Unfortunately for the reasons I will discuss, we must still agree to disagree on the ultimate package.

Primarily the bill is limited to the possession of small amounts of marijuana, which is defined as 30 grams or less of marijuana by the Controlled Substance Act. An initial difficulty is that in many cases, there is no accurate method for officers on the street to definitively know the amount of marijuana an individual may have in their possession. Patrol officers would, therefore, not be able to make an accurate determination as to the weight to trigger the provisions of this bill. Under the current practice, weight is determined at the district.

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Additionally, the definition fails to recognize that it is common for individuals to possess marijuana laced with other drugs that would be possible for the officer to identify. In essence, the bill would have the unintended consequence of decriminalizing the possession of these additives that are commonly placed in marijuana, since without chemical testing, these individuals would not face the additional charges.

Next, with respect to Section 6, Enforcement, the bill calls for a code violation notice, or a CVN, for the possession of a small amount of marijuana. If this provision is not preempted by the Pennsylvania Controlled Substance Act, this would create a serious dilemma for law enforcement in the City. Having two separate and distinct charging options for the same offense, which is exactly what the bill would create, is extremely problematic

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from the perspectives of procedural justice, and procedural justice is grounded in fairness and consistency.

Under the bill, it is possible that one offender could be cited for possessing a small amount of marijuana with a CVN and another similarly situated offender, even in the same district, would be arrested and charged under a state misdemeanor violation. Each charge would be equally applicable. This is so because as the bill itself acknowledges, state law necessarily remains unaffected. As such, law enforcement officers would be faced with an option - arrest under state law or issue a CVN. If the Philadelphia Police Department were to enforce only the code violation, there is no guarantee that other law enforcement agencies in the City, including transit police, the university police departments, Pennsylvania State Police, housing police, Amtrak Police, would follow suit. And if the Philadelphia

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Police Department were to give its own officers discretion in choosing which law to enforce, the consequences could be significant, as equally reasonably and well-trained officers, professional -- excuse me. The consequences could be significant, as equally reasonable and well-trained law enforcement professionals make decisions in widely varying circumstances.

Consistency and fairness are the hallmarks of procedural justice, and allowing or creating such a dichotomy of possible outcomes for the same violation is simply unfair.

For example, if the bill were to pass, it is entirely possible if the Pennsylvania State Police or SEPTA or the Housing Authority Police Department and the Philadelphia Police conducted a joint operation and stopped two individuals for smoking marijuana, one individual could receive a CVN from the Police Department, our Police Department, and be released,

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while the other stopped by the other law enforcement agency would be arrested and charged with a misdemeanor. Imagine the reaction of the community who witnesses the disparate treatment. There is no procedural justice in this scenario.

Finally, we are left with the operational reality that in order for enforcement of any kind under any legal regime to be meaningful, individuals stopped on the street must be properly identified. This is so regardless of whether the City's civil code violation or the state misdemeanor is being enforced.

Philadelphia Police Department is considering its options for accomplishing positive identification on the street without bringing the individual to the station. However, this significant operational enhancement cannot be accomplished overnight.

Having noted our significant issues, I would nonetheless acknowledge

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the substantive discussions that have taken place between the Administration and the sponsor's office on this issue, and I'd like to thank the sponsor and his office staff for the opportunity to engage in this continued dialogue. We appreciate the amendments that were offered.

And this concludes our testimony. We'd be glad to answer questions at this time.

COUNCILMAN GREENLEE: Thank you, Mr. Resnick.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you.

Mr. Resnick, can you tell me how many times the Philadelphia Police, along with the State Police, conduct joint operations to see what people are carrying on their person as opposed to what normal drug investigations are like, as they set up a network, they get people to flip, and they go and grab big amounts of marijuana or other drug.

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MR. RESNICK: Well --

COUNCILMAN KENNEY: But let me finish.

So I remember seeing the circumstance where a state police officer and a Philadelphia police officer will be stopping and frisking a 20-year-old African American male. If that's our joint operations, we should be doing something else.

MR. RESNICK: That's not what I was referring to, Councilman. I was referring to like Operation Pressure Point where the City of Philadelphia, along with our other law enforcement partners on the federal and the state level, went out and they did larger-scale operations, but you would -- a situation would arise where an individual would be stopped, and if that person was to be frisked, depending on the officer who stopped them and did the frisk, if it was one of ours, Philadelphia officer, as opposed to from another agency that

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didn't have to follow the City code violation, we would have disparate treatment.

COUNCILMAN KENNEY: Do police on our street now use discretion?

MR. RESNICK: Certainly.

COUNCILMAN KENNEY: Every day it's part of their job, I guess, to use discretion.

MR. RESNICK: Sure.

COUNCILMAN KENNEY: So your concern over their use of discretion is somewhat misplaced because they have discretion now to arrest who they want to arrest and who they don't want to arrest.

MR. RESNICK: Sure. They can arrest who they want to arrest, but the discretion in terms of what are we charging. Are we charging somebody with a civil code violation where they pay the $25 fine and they're on their way or where a custodial arrest was undertaken and they're charged with a violation of state law? So that's the discretion that

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I'm talking about that I think is problematic when we go down that road.

COUNCILMAN KENNEY: Well, I mean, I grew up in a time where underage drinking was not uncommon, and the officer would come by and if he caught you, he'd pour it out. You didn't even get a fine then. I mean, discretion is, I think, part of what a good police officer does, and they make choices on who to arrest based on their information, based on their instinct, and based on their training. And I think our police officers could be trained to make those distinctions. Right now there are no distinctions whatsoever, unless of course you're a majority member of the community. Seemingly, they don't get arrested for probably equal amount of use.

The other thing I'm concerned about is, you've expressed that you support the change in grading on the state level. Doesn't that give you the

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same operational difficulties you have now? If Senator Stack's bill passed today, we would have the same operational problems. We would have to retrain and do what we have to do to comply with state law. Why is it different?

MR. RESNICK: I wasn't saying that all of these are insurmountable. Yeah, there'll be difficulties and, yes, there'll be challenges, but if Senator Stack's law passes, every officer on patrol will be enforcing the same law. It's not as if they would be able to pick and choose. Sure, there would be difficulties with respect to the weight issue. Sure, there would be issues with respect to is the marijuana laced with some other substance. I would imagine under those circumstances, we would ignore that. But it's not as if his law or his bill does not have issues for us. Those issues would be overcome. I'm not saying all the issues that I described here today are not issues that we

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couldn't overcome. But I think the larger issue is, you have two schemes to punish people essentially, and one is de minimis with a $25 civil fine and the other one constitutes an arrest. In Senator Stack's bill, everybody would be treated equally by everyone.

COUNCILMAN KENNEY: Well, how does the rest of the state get away with this? How could every police department that we have contacted in the rest of the Commonwealth treat it without a custodial arrest? How do they get away with that, and why are we not leading as opposed to dragging our feet behind?

MR. RESNICK: I don't know -- I haven't called every other police jurisdiction, police district in the Commonwealth.

COUNCILMAN KENNEY: We've called a lot of them.

MR. RESNICK: I know what they do in the counties surrounding Philadelphia. I think it's Montgomery

County, they don't charge under the state law. They give people disorderly conduct. That's what they're charged with.

COUNCILMAN KENNEY: How do they have that authority?

CAPTAIN HEALY: They don't.

COUNCILMAN KENNEY: They don't. Who is suing? I mean, we talked a lot about lawsuits, and Councilman O'Brien is concerned about stuff. I mean, you tell me that somebody who gets a $25 ticket is going to sue because they weren't charged with the state law? I mean, who is the plaintiff here when you worry about going to the state Supreme Court? I mean, I would think they would have enough sense to recognize what everybody is trying to do. And if you think we're ever getting statutory relief out of Harrisburg, we'll be getting the school funding formula changed before that happens. They're not exactly very helpful to us in a lot of different ways and I suspect will not be

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helpful in this way either.

So I just believe honestly that we don't really have to be here. You could leave here today and have the Mayor issue an Executive Order and have the Police Commissioner write directives that told his officers what they should do and how they should conduct themselves and I think this would all go away.

The reason that we're here, frankly, is because of all the flack we got on the first bill, which we went through the Criminal Justice Advisory Board, and they gave us a myriad of problems that they, in my mind, probably could have dealt with, but didn't want to. So then we go to the next, which takes them out of it, and there's still problems.

I think the problem is carrying an arrest record around with you for probably most of your life when you make a dumb mistake as a 25-year-old, and I think that is more obnoxious than

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anything else we're concerned about here.

COUNCILMAN GREENLEE: Thank you.

Any other questions or comments?

Councilman O'Brien.

COUNCILMAN O'BRIEN: Mr. Resnick, how many other departments are there in Philly? I named some. You named some others. How many are there?

MR. RESNICK: Drexel; Temple; University of Pennsylvania have police departments; the SEPTA obviously, the transit police; Amtrak has a police department; the Housing Authority has a police department. The Pennsylvania State Police operates in the City of Philadelphia.

COUNCILMAN O'BRIEN: And I think we're all in agreement with Councilman Kenney and we empathize with his frustration in trying to get to where we want to be. And I do fall down because I spent so much time in

Harrisburg on the fact that the remedy does lie there and it does frustrate these other efforts, as evidenced by the fact that there was an attempt to make this a summary offense, but the Supreme Court chose to intervene in Philadelphia's attempt to do just that. So I really do believe that that becomes problematic.

But we do not have the capability in the police cars to identify someone, do we, if we make an arrest?

MR. RESNICK: Not immediately, no.

COUNCILMAN O'BRIEN: And so they don't have access to JNET.

But, hypothetically, I'm looking at another issue that arises with these separate jurisdictions. Right now I can envision or I know if there's a case for an arrest of cocaine, marijuana, whatever it is, the defense attorney isn't doing his job or her job if he doesn't bring that person in and say, How

far, Officer, were you from this transaction or did you see the exchange and did you see the people purchase the marijuana and, further, did you go and interview all those people that purchased it or did you just get my guy? I just think the last question is going to be, Or did you arrest that individual, not because of the circumstances at hand but because you pulled up on JNET that this person had eight other arrests? Is that the reason, Officer, that you arrested this guy, because of his eight other arrests, not the circumstances for the offense at hand?

So this is a complicated issue. I do empathize with the resources that Councilman Kenney is bringing, and this is a dialogue that absolutely has to be had. But we don't have scales to see how much it is, but, again, that's up to the discretion. But one of the big problems I have, again -- and this is a slippery slope -- there's no way -- if you can

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tell me, is there a way that if a judge has someone on probation and parole and they get a ticket, that that judge will find out that that person has in fact violated?

CAPTAIN HEALY: Not with a CVN, no.

COUNCILMAN O'BRIEN: And that creates a problem for me, whether there's a violation of parole action.

So I do agree with this. There are hills you die on. But I do believe that this is an issue, again, that is controlled by Harrisburg. The intervention of the Supreme Court into our attempts to mediate this issue and the multiple jurisdictions that we're exposed to make this challenging for me.

So I appreciate the sponsor of this, and I don't know where to go. I agree that it's frustrating, but I believe we still have to pursue some of these outstanding issues.

COUNCILMAN GREENLEE: Thank

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you, Councilman.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you.

Just for clarification, the Supreme Court intervened in the DA's Office because the DA made an administrative decision to implement a program that was not approved by the court. The court has since approved the program. And this is legislative action, which is much different than an administrative action.

Secondly, we have the day after -- we hopefully pass this on the 19th. We have a meeting -- the day after we have a meeting scheduled with every extraneous police department chief on the university level, at SEPTA, and we're going to have -- and I know them all and they're all reasonable, rational people. I see no reason why they wouldn't want to comply with this too as -- see, there's two issues here. Number one is the absolute hampering or handcuffing a young

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person because of his arrest. Secondly, it's 17,000 hours of police officers off the street, 2,100 eight-hour shifts that I could think they could be doing a lot different things, a lot more important things and keeping us safer than sitting in the stationhouse or the Roundhouse waiting to process the young person that's done nothing worse than drinking. I mean, it's basically the same thing. Because one is a state law that says you can't do it, and we celebrate alcohol like it's our birth right, but want to lock people up and ruin their careers and futures based on something that is antiquated at this point. And I just -- I don't think that Montgomery County or Allegheny County, I don't know what their scale problem is. Maybe they've invested in scales. But I do think that using common sense and discretion makes a lot of sense here and I just -- it's hard enough today for anyone to find a job, let alone somebody with a criminal

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record, and I think that there's no reason they should be hampered with that when you don't get a record for drinking underage or drinking open container. I see very little difference in the two activities, other than the fact that state law says what it is, and we'll never change state law, not in this Commonwealth anyway.

COUNCILMAN GREENLEE: Thank you, Councilman.

All right. Any other questions for the witnesses?

(No response.)

COUNCILMAN GREENLEE: Seeing none, thank you both very much.

MR. RESNICK: Thank you.

COUNCILMAN GREENLEE: I think we have two more at least on record.

Ms. Marconi.

THE CLERK: Chris Goldstein and Bishop J. Darrell Robinson.

COUNCILMAN GREENLEE: Other than these two witnesses, is there anyone

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else here to testify?

(No response.)

(Witnesses approached witness table.)

COUNCILMAN GREENLEE: Please identify yourself for the record and proceed with your testimony, please.

MR. GOLDSTEIN: Good afternoon, honorable members of Council. My name is Chris Goldstein. I am with the Philadelphia Chapter of the National Organization for the Reform of Marijuana Laws, also known as Philly NORML. We've been working here in the City for the last 15 years and also with state legislators in Harrisburg and with federal legislators on reforming marijuana laws. Our ultimate goal is to end prohibition.

Before you today is a very pragmatic bill. Passing this measure will have a positive impact on the City. This will stop 4,000 residents from being put into handcuffs in a holding cell

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every year, and that could save the City almost $4 million directly out of the public safety budget. This will not only liberate a good chunk of much-needed budget funding, but it will also allow police resources to be better utilized on more serious crimes.

Let's take a look at what happens right now. When a single person is arrested, say, with a single joint of less than a gram of marijuana -- and let's be clear, that although we're talking about 30 grams or less, all statistics show that most of marijuana possession arrests are for 7 grams or less, something police officers can easily discern. They can tell the difference between 7 grams and 30 grams. It's visually apparent, and experienced police officers will know this difference.

So what happens now when you get caught with a gram of marijuana in Philadelphia? Well, the offender is put

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into handcuffs. They're taken to a holding cell. So they're taken into custody, often requiring the time and attention of more than one police officer. The offender must be transported to holding. They must be held and guarded. They must be photographed, fingerprinted, interviewed. The evidence must be field-tested and then sent to a laboratory for more expensive and full analysis. Then the offender must see a bail officer. That's who assigns the offender into the Small Amount of Marijuana program, the bail officer does. Since 2010 when the SAM program was enacted, about 88 percent of marijuana arrests are now assigned into the SAM program, and that requires a special weekend class. Since SAM was enacted, Tasha Jamerson at the District Attorney's Office has reported that just changing it out of the criminal courts has already saved the City $3 million a year. This bill will save another $4

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million a year, and take that money right to the bank in the public safety budget.

More than 10 percent of those arrested for marijuana right now still go to criminal court, requiring even more expenses and personnel on the part of the City.

Councilman Kenney's bill will significantly streamline the process. Police officers would be given the discretion to issue a simple ticket, much like a parking ticket or a summary for disorderly persons, public urination. These don't require any special identifications on the street today. These summaries are issued all the time.

Evidence would still be seized, locked up at the Police Department, but if the offender pays the fine, there's no need to send it to the laboratory for extra expensive testing.

Downgrading possession of small amounts of cannabis is by no means an innovation here in Philadelphia. More

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than 20 entire states have adopted this approach, including New York state in 1979. More than 35 municipalities across the country have followed suit. You mentioned Chicago made the shift in 2012, and just this year Washington, DC City Council and Mayor Vincent Gray decriminalized marijuana in our nation's capital. Councilman Kenney's bill has a structure modeled after DC, a simple $25 fine.

So instead of paying $3 million a year to arrest 4,000 people, the City could be netting a profit of, say, about $10,000 a year.

Keep in mind that even if you approve this bill and make a policy change, police will always have the option, as they do in every other county that doesn't require mandatory custodial arrest, police always have the option to make a custodial arrest if they want to under state law, but other counties have found another way.

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The bill before you also takes note of the disturbing racial disparity regarding current marijuana arrests here in Philadelphia. For the last six years, we at Philly NORML have produced a report detailing these statistics. We utilized data directly from the Pennsylvania Uniform Crime Reporting System. This is one of only two public crime information databases available to the public, Pennsylvania and Oregon.

Here's the breakdown: In 2012 -- this is the most recent year available -- there were 3,709 adults and 563 juveniles for 4,272 total arrests on the offense of just marijuana possession. 3,052 of these arrests were black residents, 629 were white residents. Five to one ratio. About 90 percent of the arrests were men. The bulk of the arrests are men 18 to 34 years old.

I ran a comparison of other drugs just to see if this was maybe something that happened across drugs in

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the City. The offense for opium and cocaine is combined, so all heroin arrests, all powder cocaine, all crack, it's all in one category. In 2012, opium/cocaine combined again, there were 4,256 adults arrested for those drugs, but the racial breakdown was about even, 2,155 black residents, 2,074 white residents. I compared other crimes. Honorable Councilmembers, there isn't a single other offense in the Pennsylvania Uniform Crime Reporting data for Philadelphia that shows the racial disparity of marijuana arrests. This represents a unique issue that demands your attention and careful policy changes.

Young black men in our city are facing harsh treatment for something that is now perfectly legal or at least a civil penalty in many other places, a majority of them actually. Moreover, Philadelphia's policy of mandatory custody isn't replicated in any other

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county in Pennsylvania. Yes, police can arrest people, but they don't. The mandatory handcuffs, that's what's unique here in Philly. So other officers have the discretion to issue a summary, avoiding the costs and time we incur here.

We've met with members of the Philadelphia Police Department and Mayor Michael Nutter's Administration, including Mr. Resnick, since 2009. We appealed to them to make this change on their own, so far to no avail. Since we have been engaging the City government, let's make it clear that these numbers don't stop. Since 2009, we've seen more than 20,000 residents, our families, our friends, our neighbors, arrested, put into handcuffs, locked up, and nearly 30 million tax dollars spent needlessly on this overly harsh policy.

Something we've also pointed out at the meetings, downgrading the penalties for marijuana possession will

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improve the relationship between police and the community. There is a terrible culture of don't snitch. If residents don't fear being put into handcuffs for smelling like marijuana or having a dime bag in their pocket, they may be much more willing to speak with police about a more violent crime they just witnessed in their neighborhood.

Honorable Councilmembers, there are bills in Harrisburg, Senator Stack's bills. There are bills to authorize medical marijuana. We're testifying there tomorrow in front of the PA Senate Law and Justice Committee. There is even a bill to legalize and tax marijuana here in the state akin to Colorado. And we're all aware of the active national debate, but that's why this change here now today is so prescient. Philadelphians should not be forced to be locked up in the past while so much of the country has already moved into the future.

Marijuana consumers of all

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colors are hard-working, productive members of our community. We implore you, take this opportunity, pass this bill, save millions of dollars, improve our community. Let's move forward in Philadelphia, a city that represents the heart and soul of freedom and racial equality in all of America.

Thank you. I welcome your questions.

COUNCILMAN GREENLEE: Thank you. We'll hear from the Bishop and then any questions. Please.

BISHOP ROBINSON: I'm Bishop James Darrell Robinson of Yesha Ministries in South Philadelphia, and of course, I'm appreciative of this opportunity to sit before City Council. Thank you for the consideration of what I believe is a great bill by Mr. Kenney.

I'm sad today. I'm sad based on what I have heard, and so forgive me for the tenor and the tone of what I'm about to say.

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I think it's sad because the communities that I deal with, the black community of which I'm a part, and I work with a lot of black youth, a lot of black young men in our ministry, in our community, and one of the greatest challenges I have, along with a lot of my other ministerial partners, is that of getting these youth jobs after they have an offense with a small amount of marijuana.

Now, we say that in the City and in the state it's not legal and people are being arrested. Well, the only people that are really being arrested are these black youth. And I'm sad because I think that in certain areas, it's fine, but the area in which I come up in, it's not fine. And I think the tragedy is that even today we have to go through all of this, the statistical information -- listen, the police know what a small amount of marijuana is. I mean, the fact of the matter is, these

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disproportionate numbers are horrendous. I could take -- I can go to any university on any weekend and I could carry these police officers that arrest young youth that look like me, I can go to any of the universities and take them to some of the frat parties and houses, and guess what? Plenty of marijuana. And they're not being arrested, though. Not only are they not being arrested, if law enforcement comes around, they don't even pay attention to it. They say, Quiet down, if there's some disturbance, but they don't even pay attention to it. This is my own experience.

Why? Why are we still in a city in 2014 that seemingly has this racially bias policing of young black, Hispanic youth? And it's clear, the record is clear, the statistics are clear, and then we talk, Well, the police may not be able to see how much, they might not be -- they don't have any scales. They're not interested in

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scales. To me it's engineered. It's engineered, and it's directed at only a particular community, and that's not right. What do we have to do?

I deal with this every day. I feel bad when I'm getting youth into job situations. And this is real life for me. This is not just paperwork. This is real life, and I'm trying to help these youth to do better, to take a better path, to take a better road. And the only thing -- I'm telling you, because I've been doing it for a number of years. You'd be surprised. Over 30 years. And then they get a job and then they didn't want to say they had a record, but then they get released after doing a good job for their employer. Well, we can't -- we have -- but I just had a joint.

No. We can't employ you any longer.

This is real life for these youth. Well, maybe no one really cares about that. Maybe it's just a matter of

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politics and maybe it's just a matter -- listen, you know, the criminal justice system for me, just looking at the prison system and everything that goes along with it in this country, blacks in this country, black men make up 4 percent plus of the country, but over 40 percent of the prison population. Now, something must be deliberate here.

And so, again, I ask you to forgive my dander and my tone, but, you know, it's hilarious that we are really talking about police officers in the City of Philadelphia that involve themselves based on the laws that they're given in this racially biased policing that takes our youth, black youth in particular, and put them in situations that make it impossible for them to go on and live a productive life because they can't get a job, trust me. Just by the fact that they're black, guess what's going to happen? The employer is going to run a check on them. Just for that fact alone.

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When other counties -- and I'm finished. I don't want to get on my pulpit here. Other counties experience the, Okay, y'all put that out, don't worry, just quiet down. But my sons have to -- if they have -- and I don't encourage weed smoking. I'm not even for the legalization of it, but let's just be fair. Can we be fair? That's my question.

COUNCILMAN GREENLEE: Thank you, Bishop and Mr. Goldstein.

Just a quick question for you, Bishop. Over those many years that you've been helping people try to get employment, give me a rough estimate of how many people you think lost a job because of the situation we're talking about here.

BISHOP ROBINSON: Wow. Let's put it in -- I can't even -- you know, it's so many until it's just -- I mean, in 30 years. I mean, and we're actively involved with many groups in the City of

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Philadelphia, many church groups. And there are some employers that will hire those that have records, but it's awful. I can't even really come up with a number, to be honest with you. I'd have to sit down and pull out a calculator, get my CPA to the table. You know, it's unbelievable.

COUNCILMAN GREENLEE: I understand. And honestly, that was just, in my opinion, one of the best arguments for Councilman Kenney's bill to think -- and I know people that I've referred through City Council try to help get jobs and the same situation bounced back, and it just -- I agree with you --

BISHOP ROBINSON: And what alternative do they have when they can't get a job, when on the street they have to survive? What are their alternatives then? So what are we leaving them? What then do we leave them to do? What's their alternative?

COUNCILMAN GREENLEE: I

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understand. Thank you.

Any other questions or comments for either of these witnesses?

(No response.)

COUNCILMAN GREENLEE: Seeing none --

COUNCILMAN OH: Chairman?

COUNCILMAN GREENLEE: I'm sorry, Councilman. Councilman Oh, please.

COUNCILMAN OH: I have a question, and I know passions are high, so I'm just calming it down. I have a question. Because I do understand what you're saying and I did follow the point where you're saying you're not for the legalization of marijuana in the United States. Is that correct?

BISHOP ROBINSON: Yeah. You heard that.

COUNCILMAN OH: So I do express just a little concern or maybe a lot of concern, not about this bill in particular, but in 2007, the United

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States -- the purchase of marijuana was about $113 billion, and that is related to about 5,000 murders. We are a big consumer of marijuana, and as a result, we have marijuana grown around the world, and in Mexico alone because of the illegal production, exporting, packaging, criminal organizations, there's about 5,000 murders related to marijuana, heroin and other drugs from the Mexican drug cartel. And so if it is not illegal in the United States and we are allowing people to purchase more illegal substances, particularly from other countries, poor countries around the world, how do you justify that type of an idea?

BISHOP ROBINSON: Well -- and you're talking directly to me, right?

COUNCILMAN OH: Yes.

BISHOP ROBINSON: First, I don't want to confuse the issues here. I have certainly an idea about how we deal with that, but I think what Councilman

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Kenney is dealing with has to do more or less -- because I don't think the question of legalization is on the table, is it?

COUNCILMAN GREENLEE: No.

BISHOP ROBINSON: Right. So I think that to stick to the issue, I would like to deal with the disproportionate youth that are being affected by being arrested. I think that the Councilman says let's fine them. What's wrong with that? What's wrong with making sense? Because the idea is, those that are not being -- and instead of turning a blind eye to the others that use it and don't get anything, let's fine them as well, and then maybe the City would take in more money. What do you think about that? Let's fine everyone now. Let's make it even across the board, because it's not even now. Now we have some being arrested while others are being turned a blind eye to. Let's now say to the Police Department and those that are

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in charge of the criminal justice system, Let's make sure we fine everyone, even, unfortunately, our college students that use it. Let's fine everyone. Let's just be fair. That's all I'm asking.

COUNCILMAN OH: Thank you very much.

MR. GOLDSTEIN: Councilman Oh, I just have one point to make. Even the Drug Enforcement Administration acknowledges that 90 percent of the marijuana that is smoked in the United States is grown in the United States. It's not flowing over borders the way it did in the 1970s. It's a home-grown product.

COUNCILMAN OH: Okay. Well, I mean, I'm not an expert in the topic, but I have here that in 2010 -- so that's four years ago -- 60 percent of the profits from the sale of cannabis by the Mexican drug cartel in particular was to the U.S., which primarily is a large market, very competitive market for those

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organizations to get into the U.S. market. Are you saying that that information is not correct?

MR. GOLDSTEIN: The market shifted drastically for marijuana. There are lots of people who make a lot of money on cocaine and heroin, and that comes in from even places like Afghanistan where our United States government is. But, again, what we're talking about is possession. Even in the City of Philadelphia, let's look at how many people we arrest for sale and manufacture here. It's only 2,184 adults. So we're not really enforcing the sale and manufacture. We enforce possession. That's where these arrests come in. There's 750,000 marijuana arrests in this country, 90 percent for possession.

So I encourage you to take this up with law enforcement if you want to see them better spend their resources dealing with the manufacture and the

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transport of marijuana, but right now all of our resources are spent on possession, and we shouldn't be spending that money here in the City.

COUNCILMAN OH: Okay. Thank you very much.

COUNCILMAN GREENLEE: Thank you, Councilman.

Any other questions or comments for the witnesses?

(No response.)

COUNCILMAN GREENLEE: Seeing none, is there anyone else here to testify on Bill No. 140377?

(No response.)

COUNCILMAN GREENLEE: Seeing none, that will conclude our public hearing.

Let me just make sure it's clear for the record there will be also made part of the record the Law Department opinion that was referenced earlier that, in short, said that it did not interfere with -- this bill would not

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interfere with state law. That will be made part of the record.

Again, that concludes our public hearing. We will now go into our public meeting.

And the Chair recognizes Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman. I move that we accept the amendment offered to Bill No. 130922.

(Duly seconded.)

COUNCILMAN GREENLEE: It's been moved and seconded.

All in favor?

(Aye.)

COUNCILMAN GREENLEE: Opposed?

(No response.)

COUNCILMAN GREENLEE: Hearing none, the amendment is adopted.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman. I move that Bill No. 130922, as amended, be reported out of this Committee favorably and a request

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made for rules suspension to allow first reading at our next Council session.

(Duly seconded.)

COUNCILMAN GREENLEE: It's been moved and seconded.

All in favor?

(Aye.)

COUNCILMAN GREENLEE: Opposed?

(No response.)

COUNCILMAN GREENLEE: Hearing none, Bill No. 130922, as amended, is reported out of this Committee favorably with a rules suspension.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman. I move that Bill No. 140377 be reported out of this Committee with a favorable -- thank you, Mr. Chairman. I move that the amendment to Bill No. 140377 be approved.

(Duly seconded.)

COUNCILMAN GREENLEE: It's been moved and seconded the amendment be approved.

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All in favor?

(Aye.)

COUNCILMAN GREENLEE: Opposed?

Hold on one second. We'll hold one second.

(Pause.)

COUNCILMAN GREENLEE: The motion was to approve the amendment. All in favor?

(Aye.)

COUNCILMAN GREENLEE: Opposed?

(No response.)

COUNCILMAN GREENLEE: Hearing none, the amendment is adopted.

Councilman Kenney.

COUNCILMAN KENNEY: Thank you, Mr. Chairman. I move that Bill No. 140377, as amended, be reported out of this Committee favorably and a request made for rules suspension to allow first reading at our next Council session.

(Duly seconded.)

COUNCILMAN GREENLEE: It's been moved and seconded.

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All in favor?

(Aye.)

COUNCILMAN GREENLEE: Opposed?

COUNCILMAN O'BRIEN: No.

COUNCILMAN GREENLEE: The record will reflect Councilman O'Brien voting no. The motion carries, and Bill No. 140377, as amended, is reported out of this Committee favorably with a rules suspension to allow for first reading at our next session of Council.

That concludes the business of the Law and Government Committee today. Thank you all for your participation.

(Committee on Law and Government concluded at 2:40 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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