

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC HEALTH
AND HUMAN SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Friday, March 28, 2025
11:40 a.m.

PRESENT:

COUNCILWOMAN NINA AHMAD, CHAIR
COUNCILWOMAN QUETCY LOZADA, VICE-CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN MICHAEL DRISCOLL
COUNCILMAN NICOLAS O'ROURKE
COUNCILMAN ISAIAH THOMAS

BILL: 250213

1 - - -

2 COUNCILWOMAN AHMAD:

3 Good morning, everyone. Welcome to
4 Philadelphia City Council's
5 Committee on Public Health and
6 Human Services. I now note that
7 the hour has come.

8 Mr. Sham, will you call
9 the roll.

10 THE CLERK: Chair Ahmad.

11 COUNCILWOMAN AHMAD:

12 Present.

13 THE CLERK: Vice-Chair
14 Lozada.

15 COUNCILWOMAN LOZADA:

16 Present.

17 THE CLERK:

18 Councilmember Thomas.

19 (No response.)

20 THE CLERK:

21 Councilmember Driscoll.

22 COUNCILMAN DRISCOLL:

23 Present.

24 THE CLERK: Councilwoman

1 Bass.

2 COUNCILWOMAN BASS:

3 Present.

4 THE CLERK: Councilwoman

5 Landau.

6 (No response.)

7 THE CLERK: Councilman

8 O'Rourke.

9 (No response.)

10 COUNCILWOMAN AHMAD: I

11 note for the record that a quorum

12 of this Committee is present. This

13 hearing is called to order. This

14 is the public hearing of the

15 Committee on Public Health and

16 Human Services considering

17 testimony on Bill No. 250213.

18 Before we begin, do any

19 of my colleagues have any opening

20 remarks?

21 COUNCILWOMAN LOZADA:

22 (Spanish translation).

23 (Brief recess.)

24 COUNCILWOMAN AHMAD:

1 Should we just wait until Vince
2 comes back to see if we can use
3 their -- this is just about the
4 bill. This is not --

5 COUNCILWOMAN LOZADA:
6 What is it?

7 COUNCILWOMAN AHMAD:
8 This is just describing the bill.
9 Should we do that in Spanish too?

10 COUNCILWOMAN LOZADA:
11 Where's that page?

12 COUNCILWOMAN AHMAD: I
13 think that page is -- you might not
14 have that. This is just he's going
15 to give the Bill No. and
16 (inaudible).

17 COUNCILWOMAN LOZADA:
18 (Spanish translation).

19 MR. THOMPSON:
20 (Inaudible).

21 COUNCILWOMAN LOZADA:
22 (Spanish translation).

23 MR. THOMPSON:
24 (Inaudible).

1 MR. ROSARIO:

2 (Inaudible).

3 COUNCILWOMAN AHMAD:

4 Yeah, and that's why you're here to

5 testify. That's the conversation.

6 We got it. We received it. We

7 have all your names for testifying.

8 At no point was there any

9 conversation about language needs

10 so that's why we didn't have them,

11 but we received your email.

12 We have all the 10

13 testifiers' names, absolutely. We

14 are very cognizant that you had

15 reached out and we are happy to

16 have you here.

17 COUNCILWOMAN LOZADA:

18 Thank you. We're going to find out

19 who you sent it to. Frank, you

20 guys said you have someone that can

21 translate here?

22 MR. ROSARIO: Yes.

23 COUNCILWOMAN AHMAD: As

24 per instructions we just received,

1 we can proceed with our hearing and
2 when somebody wants to testify in
3 Spanish, by that time we'll have
4 the box here to be able -- for me
5 to understand, for us to
6 understand.

7 MR. THOMPSON:

8 (Inaudible).

9 COUNCILWOMAN AHMAD:

10 Yeah, that's what I'm saying we
11 have a translator. We have a
12 translator. We can get started
13 then.

14 Okay. All right. Sorry
15 for the delay, but let me have the
16 translator who's here please sit
17 with the people who are testifying
18 and to translate as they go
19 as-needed and vice versa when it's
20 in Spanish. So we are proceeding
21 with the hearing.

22 The Clerk will please
23 read the title of the first bill.

24 THE CLERK: Bill No.

1 250213, amending Section 9-633 of
2 The Philadelphia Code, entitled
3 "Sale of Electronic Smoking Devices
4 and Unapproved Nicotine Delivery
5 Products," to update definitions
6 and to provide for additional
7 penalties, enforcement and
8 compliance options, all under
9 certain terms and conditions.

10 COUNCILWOMAN AHMAD: The
11 Clerk will please call the first
12 witness to testify on this bill.

13 INTERPRETER: Hello. We
14 are calling the first witness to
15 testify to the court.

16 THE CLERK: Ben Hartung,
17 Public Policy Advisor of the
18 Philadelphia Department of Public
19 Health.

20 (Witness approached
21 Witness table.)

22 COUNCILWOMAN LOZADA:
23 (Spanish translation).

24 INTERPRETER: I will

1 interpret in Spanish. But
2 remember, you're working with an
3 interpreter. I will do consecutive
4 interpretation, but you have to
5 help me out please so slow down
6 your piece.

7 COUNCILWOMAN AHMAD:
8 Please state your name for the
9 record and proceed with your
10 testimony.

11 MR. HARTUNG: Good
12 morning. My name is Ben Hartung.
13 I'm Public Policy Advisor with the
14 Department of Public Health. Good
15 morning, Chair Ahmad, Vice-Chair
16 Lozada and members of the Committee
17 on Public Health and Human
18 Services. I --

19 COUNCILWOMAN AHMAD:
20 Just take a pause and let her just
21 introduce you.

22 INTERPRETER: Good
23 morning. I'm Ben Hartung and I'm
24 here from Public Health

1 Department --

2 COUNCILWOMAN AHMAD: We
3 just need you to speak in Spanish,
4 not English.

5 INTERPRETER: Sorry
6 about that.

7 COUNCILWOMAN AHMAD:
8 Yeah. Go ahead.

9 INTERPRETER: This is
10 improvised. My apologies. The
11 interpreter wasn't ready for this
12 kind of interpretation. I just was
13 here present to help my colleagues
14 from the Bodega's Association. So
15 this is a little bit rough for me
16 because sometimes -- I mean, when
17 you are interpreting like this, you
18 get prepared ahead of time with the
19 material. And this is like an
20 improvisation for me. So I'll do
21 my best --

22 COUNCILWOMAN AHMAD: We
23 appreciate your support, yes. This
24 is for your community, yeah.

1 INTERPRETER: So I'll do
2 my best.

3 COUNCILWOMAN AHMAD:
4 Yeah. If you can -- yeah.

5 MR. HARTUNG: Okay.
6 Should I start over are you saying?

7 INTERPRETER: No, no.
8 You start where you stopped.

9 MR. HARTUNG: On behalf
10 of Commissioner Raval-Nelson and
11 the Health Department, thank you
12 for the opportunity to testify
13 today regarding Bill No. 250213.

14 INTERPRETER: (Spanish
15 translation).

16 MR. HARTUNG: This bill
17 proposes amendments to the
18 Philadelphia Code Section 9-633,
19 entitled "Sale of Electronic
20 Smoking Devices and Unapproved
21 Nicotine Delivery Products."

22 INTERPRETER: (Spanish
23 translation).

24 MR. HARTUNG: The Health

1 Department agrees with those goals
2 of reducing youth access to vaping
3 products.

4 INTERPRETER: (Spanish
5 translation).

6 MR. HARTUNG: However,
7 we have some concerns regarding
8 whether the language of the bill as
9 written will assist us with getting
10 to that goal.

11 INTERPRETER: (Spanish
12 translation).

13 MR. HARTUNG: The
14 department is reviewing the amended
15 language and will need guidance
16 from the Law Department.

17 INTERPRETER: (Spanish
18 translation).

19 MR. HARTUNG: We welcome
20 continued dialogue on Bill No.
21 250213 to ensure that the goal of
22 the bill will be achieved.

23 INTERPRETER: (Spanish
24 translation).

1 MR. HARTUNG: We
2 respectfully request that the bill
3 is held in committee to allow this
4 continued engagement. Thank you
5 for the opportunity to testify
6 today.

7 INTERPRETER: (Spanish
8 translation).

9 COUNCILWOMAN AHMAD:
10 Thank you for your testimony. I'll
11 start with the first question.

12 INTERPRETER: (Spanish
13 translation).

14 COUNCILWOMAN AHMAD:
15 Could you provide the current
16 number of licensed tobacco
17 retailers operating in Philadelphia
18 as of 2025?

19 INTERPRETER: (Spanish
20 translation).

21 MR. HARTUNG: I can
22 follow up with that exact number to
23 you very shortly.

24 INTERPRETER: (Spanish

1 translation).

2 COUNCILWOMAN AHMAD: Do
3 you have the estimated number of
4 unlicensed tobacco retailers
5 currently operating in the city?

6 INTERPRETER: (Spanish
7 translation).

8 MR. HARTUNG: That might
9 be a harder number to find, but I
10 can follow up with the
11 information --

12 COUNCILWOMAN AHMAD:
13 Need an approximation.

14 INTERPRETER: (Spanish
15 translation).

16 COUNCILWOMAN AHMAD:
17 Given that 149 retailers had their
18 permits revoked in 2020 for
19 noncompliance with age
20 restrictions, representing roughly
21 6% of total retailers at that time,
22 what --

23 INTERPRETER: (Spanish
24 translation).

1 COUNCILWOMAN AHMAD:

2 What percentage of retailers have
3 violated age restrictions as of
4 2025?

5 INTERPRETER: (Spanish
6 translation).

7 MR. HARTUNG: Sorry.

8 And just to make sure, what
9 percentage current retailers have
10 violations under the youth sale
11 law?

12 COUNCILWOMAN AHMAD:
13 Correct.

14 MR. HARTUNG: I will
15 follow up with that.

16 INTERPRETER: (Spanish
17 translation).

18 COUNCILWOMAN AHMAD: In
19 2020, Pennsylvania reached a \$38.8
20 million settlement with JUUL Labs.
21 How much of this was allocated to
22 Philadelphia and what programs or
23 initiatives within the City have
24 been funded by these monies?

1 MR. HARTUNG: Can you
2 repeat the question? I apologize.

3 COUNCILWOMAN AHMAD: In
4 2020, Pennsylvania reached a \$38.8
5 million settlement with JUUL Labs.
6 How much of this was allocated to
7 Philadelphia and what programs or
8 initiatives within the City have
9 been funded by these monies?

10 MR. HARTUNG: And I
11 apologize. The same response would
12 be that response --

13 INTERPRETER: (Spanish
14 translation).

15 MR. HARTUNG: So that
16 money passed through the State
17 Department of Health, so I'd have
18 to get back to you on the specific
19 number.

20 COUNCILWOMAN AHMAD: So
21 did we get something here?

22 INTERPRETER: (Spanish
23 translation).

24 MR. HARTUNG: I'd have

1 to follow up with the specifics.

2 COUNCILWOMAN AHMAD:

3 Okay.

4 INTERPRETER: (Spanish
5 translation).

6 COUNCILWOMAN AHMAD:

7 Just getting on the record the
8 questions.

9 INTERPRETER: (Spanish
10 translation).

11 COUNCILWOMAN AHMAD: How
12 much revenue has the department
13 collected from fines imposed on
14 retailers for violations related to
15 youth sales and where are these
16 funds currently allocated?

17 INTERPRETER: (Spanish
18 translation).

19 MR. HARTUNG: Thank you
20 for that question. I will have to
21 follow up with you as well.

22 INTERPRETER: (Spanish
23 translation).

24 COUNCILWOMAN AHMAD:

1 Considering the current landscape
2 of tobacco sales and youth access
3 in Philadelphia, what specific
4 amendments or additional measures
5 would you recommend to strengthen
6 Bill 250213?

7 INTERPRETER: (Spanish
8 translation).

9 MR. HARTUNG: So I've
10 been unable to have a specific
11 conversation since we received the
12 amendments with Commissioner Raval-
13 Nelson and Dawn Kieseewetter, who's
14 the Director of Environmental
15 Health Services, but we will be
16 doing that very shortly. And like
17 I said in my testimony, we'd love
18 to continue this conversation with
19 you and the Committee.

20 INTERPRETER: (Spanish
21 translation).

22 COUNCILWOMAN AHMAD:
23 Does any of my colleagues have any
24 questions of this --

1 INTERPRETER: (Spanish
2 translation).

3 (No response.)

4 COUNCILWOMAN AHMAD:
5 Seeing none, thank you for your
6 testimony. And thank you so much
7 for translating. We're going to --

8 INTERPRETER: (Spanish
9 translation).

10 COUNCILWOMAN AHMAD: --
11 have you stay. We have the next
12 testimony coming.

13 COUNCILWOMAN LOZADA:
14 (Spanish translation).

15 COUNCILWOMAN AHMAD: So
16 we're transitioning to the headset
17 now.

18 COUNCILWOMAN LOZADA:
19 (Spanish translation).

20 COUNCILWOMAN AHMAD: So
21 we are just distributing the
22 headsets so we will take hopefully
23 a very, very short pause.

24 (Brief recess.)

1 COUNCILWOMAN AHMAD:

2 Again, sorry for the delay because
3 we were not aware of the need for
4 translation and now we are, and we
5 do have those available. However,
6 what we wanted to do was proceed
7 with this hearing, get all the
8 testimony in. Then we want to sit
9 down with you and make sure we
10 understand your concerns before we
11 actually vote on this bill to get
12 it out of committee.

13 So at the call of the
14 Chair, I will hear all of you,
15 recess it, have a conversation with
16 you and then we will convene again
17 for my colleagues to vote on the
18 recommendation on the bill.

19 Can you say that?

20 COUNCILWOMAN LOZADA:

21 (Spanish translation).

22 COUNCILWOMAN AHMAD:

23 Thank you so much, Councilmember.

24 So just we are clear,

1 this bill we're going to hear all
2 testimony from everybody. This
3 bill is only about changing the
4 fine structure, not a conversation
5 with what the Health Department
6 does. That's a separate
7 conversation how the Health
8 Department does their work. My
9 bill is just about changing what
10 the fine is. That's it. Nothing
11 else.

12 So would the Clerk
13 please call the next witness to
14 testify on this resolution.

15 THE CLERK: Dr. Andy
16 Tan, Associate Professor of
17 Communication at the Annenberg
18 School for Communication at the
19 University of Pennsylvania.

20 (Witness approached
21 Witness table.)

22 COUNCILWOMAN AHMAD:
23 Good afternoon. Thank you so much.
24 Please state your name for the

1 record and proceed with your
2 testimony.

3 DR. TAN: Good
4 afternoon, Chair and members of the
5 Committee as well as our community
6 members in Philadelphia. I am
7 Dr. Andy Tan. I'm Associate
8 Professor and Director of the
9 Health Communication Equity Lab at
10 the University of Pennsylvania's
11 Annenberg School for Communication.
12 I'm also Senior Fellow at the
13 Leonard Davis Institute of Health
14 Economics at UPenn.

15 Thank you for the
16 opportunity to testify in support
17 of Bill 250213, which would
18 increase the penalties for
19 retailers who sell electronic
20 smoking devices and unapproved
21 nicotine delivery products to
22 minors.

23 This will restrict an
24 important source of such products

1 to young people in our city and
2 reduce tobacco disparities among
3 young people in Philadelphia. The
4 views expressed today are my own
5 and do not necessarily represent
6 the official opinion of the
7 Annenberg School, the University of
8 Pennsylvania Health System or Penn
9 Medicine or the University of
10 Pennsylvania.

11 As the principal
12 investigator of multiple NIH-funded
13 studies, examining tobacco
14 prevention and control
15 interventions among youth and young
16 adults, including a recent FDA and
17 NCI-funded study of the impacts of
18 Massachusetts' comprehensive labor
19 tobacco ban, I bring both research
20 expertise and evidence-based
21 insights to today's discussion.

22 My testimony today will
23 focus on why this bill is a crucial
24 step to protect Philadelphia's

1 youth from accessing addictive
2 nicotine and tobacco products and
3 the health harms from these
4 products. Retail stores are
5 significant places where young
6 people are exposed to tobacco
7 products and marketing and
8 advertising. They are also where
9 underage youth obtain tobacco
10 products such as ecigarettes, even
11 though sales to minors under 21 are
12 illegal nationally.

13 Research among U.S.
14 youth have found that in 2021, U.S.
15 middle and high school students in
16 this population almost 2 out of 3
17 students or 65% reported seeing
18 tobacco product marketing of
19 ecigarettes, cigarettes and other
20 forms of tobacco products every
21 time they go to a convenience
22 store, a supermarket or a gas
23 station.

24 Youth who have never

1 used any form of tobacco and
2 frequent convenience stores at
3 least once a week have 80% higher
4 odds of initiating vaping over a
5 two-year period. This is explained
6 partly by their repeated exposure
7 to retail ecigarette advertising in
8 retail stores.

9 In 2022, among 15- to
10 20-year-olds in the U.S. who use
11 ecigarettes, over 2 in 5 or 43% of
12 them said they obtained their
13 ecigarettes from a retail store.
14 Although the legal age of sale of
15 tobacco, any form of tobacco
16 products is 21 nationally,
17 effective in December 2019.

18 Tobacco and ecigarette
19 use is not an equal opportunity
20 risk factor among all our youth.
21 Exposure to marketing, access to
22 tobacco products, tobacco use and
23 the related health problems are
24 more prevalent in some groups of

1 youth than others in Philadelphia.

2 Let me share some
3 statistics from our local youth
4 health information. Tobacco
5 advertising is prevalent at retail
6 outlets, particularly in low-income
7 and racial ethnic minority
8 neighborhoods. Licensed tobacco
9 retailers who accept SNAP and WIC
10 program assistance have between 1.6
11 to 2.1 times higher odds of having
12 exterior tobacco advertising, and
13 they have 1.7 to 3.4 times higher
14 odds of having interior tobacco
15 advertising than other types of
16 retailers.

17 What does this mean? It
18 means that youth in lower-income
19 and racial and ethnic minority
20 neighborhoods are more likely to be
21 exposed to tobacco advertising in
22 these retail outlets. In 2023, on
23 average 18.5% of all high school
24 youth in Philadelphia currently use

1 ecigarettes, but we see higher
2 rates than this average among
3 certain groups.

4 21.4% of female
5 students, 20.3% of Hispanic or
6 Latino students, 32.5% of those who
7 identified as multiracial and 24%
8 of LGBTQ students currently use
9 ecigarettes. Philadelphia has over
10 2500 licensed tobacco retailers and
11 90% of public schools in
12 Philadelphia are within 1000 feet
13 of a tobacco retailer. This is
14 higher than the national average of
15 63% in a study among 30 U.S.
16 cities.

17 Lower-income
18 neighborhoods, based on census
19 tract information, have higher
20 tobacco retailer density than
21 higher-income neighborhoods in
22 Philadelphia. These disparities
23 are not accidental. The result
24 from decades of the tobacco

1 industry's targeted marketing of
2 their products to vulnerable
3 populations and the systemic
4 inequities in retail environments.

5 With this background, it
6 is significant that the proposed
7 bill, 250213, will require
8 graduated fines for individuals and
9 retail outlets in violation,
10 ranging from \$250 for the first
11 offense to \$2,000 for subsequent
12 violations and seizing sale or
13 operations for repeat violations.

14 This approach --

15 COUNCILWOMAN AHMAD: Can
16 I interrupt you one second just to
17 clarify. We have an amendment to
18 the bill that we are considering
19 and we have to actually change
20 those levels of the fines back to
21 maximum being 2000 because we have
22 to stay within --

23 DR. TAN: Correct.

24 COUNCILWOMAN AHMAD: So

1 we don't preempt the state law.
2 Hopefully at a later date we can do
3 higher ones. But right now we are
4 adjusting back as our amendment
5 articulates. The highest level
6 will be 2000.

7 DR. TAN: Correct. And
8 I've updated my testimony to match
9 that range as well.

10 COUNCILWOMAN AHMAD:
11 Wonderful. Thank you so much.

12 DR. TAN: This approach
13 focusing on penalizing the sale by
14 retail outlets aligns with the
15 earlier research I've shared with
16 you. It will benefit youth by
17 preventing them from accessing
18 addictive nicotine and tobacco
19 products, including ecigarettes
20 from retail stores. It will
21 particularly benefit public school
22 students, youth of color and those
23 living in lower-income
24 neighborhoods who have greater

1 tobacco retail density and who are
2 at higher risk of starting and
3 using ecigarettes.

4 The bill's provision of
5 allocating 50% of collected fines
6 to youth-vaping prevention and
7 education programs is particularly
8 important. Comprehensive
9 approaches that combines
10 enforcement with education yield
11 the strongest results in preventing
12 youth from using tobacco in the
13 first place. Using fine revenues
14 to fund culturally-appropriate
15 prevention programs and partnering
16 with youth organizations serving
17 youth of color and LGBTQ youth and
18 those living in the most affected
19 communities will be a much-needed
20 strategy.

21 I want to highlight
22 specific recommendations based on
23 my own research within my lab among
24 key stakeholders following the

1 Massachusetts 2019 statewide flavor
2 ban, which also included increased
3 retailer fines for violations up to
4 \$5,000 to ensure equitable
5 implementation and enforcement for
6 the proposed policies for our
7 communities here in Philadelphia:

8 Ensure that smaller
9 retailers within communities of
10 color are educated about the high
11 fines in the case of violations in
12 advance of implementation dates.
13 Publicizing the high fines that are
14 issued to a retailer who has failed
15 to comply with the law may
16 encourage better compliance among
17 other retailers later. Providing
18 culturally- and linguistically-
19 sensitive educational materials for
20 retailers, such as materials in
21 multiple languages ahead of
22 enforcement.

23 Taking steps to prevent
24 any unintended consequences, such

1 as unfair policing among or within
2 communities of color will be
3 needed. This is to ensure that the
4 Public Health Department and
5 compliance officers are aligned
6 with the policies to penalize
7 underage sales and not to penalize
8 individuals' possession, purchase
9 or the use of tobacco products.

10 Monitor violations and
11 fines by communities to ensure that
12 certain communities and retailers
13 in those communities are not
14 unfairly targeted for enforcement.
15 Funding for equitable and adequate
16 enforcement efforts should be
17 allocated fairly across communities
18 so that those with higher use of
19 tobacco have equal opportunity to
20 protect their youth populations
21 from accessing these harmful
22 products.

23 To close, the tobacco
24 industry currently spends \$8.6

1 billion annually on advertising and
2 marketing cigarettes and tobacco
3 products. This is close to \$1
4 million per hour. Most of this
5 spending is on promotions to
6 retailers.

7 In Philadelphia, a
8 middle school student in a
9 low-income neighborhood in North
10 Philadelphia will be passing 16
11 tobacco retailers along their
12 three-quarter mile walk to school.
13 Every time a retailer sells tobacco
14 products to underage youth,
15 knowingly or unknowingly, they
16 become a partner in the tobacco
17 industry's effort to addict a new
18 generation to nicotine and tobacco
19 products, particularly among our
20 most vulnerable youth.

21 This bill represents a
22 crucial step in preventing and
23 protecting the health of
24 Philadelphia's youth from addictive

1 nicotine and tobacco products and
2 the physical and mental health
3 harms from these products,
4 especially those who face the
5 greatest risk due to the predatory
6 tobacco industry practices.

7 The enhanced penalties
8 and enforcement mechanisms in Bill
9 250213 will be an important first
10 step to ensure that Philadelphia
11 retail owners, retail outlet owners
12 and their staff take their
13 responsibility as community members
14 seriously. Thank you for your
15 attention to this critical public
16 health issue and uplifting the
17 health of youth in Philadelphia.
18 I'm happy to answer any questions
19 about the research evidence
20 supporting effective ways of
21 health, education strategies to
22 share insights from our studies.

23 COUNCILWOMAN AHMAD:

24 Thank you so much for your very

1 important testimony. We got a lot
2 of information. I appreciate that.
3 I'll have my colleague ask a
4 question and if you --

5 COUNCILWOMAN BASS: My
6 question is actually for the
7 previous testifier from the
8 Administration because you gave
9 some facts in terms of the number
10 of retailers that exist in
11 Philadelphia, tobacco retailers.

12 And I just wanted to ask
13 the Administration if you could
14 come back forward because we
15 enacted legislation when I was
16 formerly the Chair of the Committee
17 on Health and Human Services to
18 reduce the number of tobacco
19 licenses that were issued in the
20 City based on the saturation of so
21 many sites.

22 I was just reminded of
23 that based on his testimony. Can
24 you talk about that a little bit?

1 Has there been a reduction? Are we
2 still issuing licenses in these
3 saturated areas?

4 MR. HARTUNG: I'm sorry.
5 Thank you. Yes, Councilmember.
6 You're referring to the 2016 Board
7 of Health regulations that set
8 density caps on retailers.

9 COUNCILWOMAN BASS: Yes.

10 MR. HARTUNG: We've done
11 preliminary evaluations on that and
12 we can share those with your
13 offices, but the number of
14 retailers have gone down since that
15 regulation was passed. There's
16 differences across the Districts in
17 terms of the density still, but
18 that's what I can say off the top
19 of my head.

20 COUNCILWOMAN BASS:
21 Okay. Because I was disturbed that
22 Philadelphia has over 2500 licensed
23 tobacco retailers and 90% of public
24 schools are within 1000 feet of a

1 tobacco retailer, which sounds like
2 almost the same numbers from when
3 we did the bill in 2016. It
4 doesn't sound like this changed
5 significantly.

6 MR. HARTUNG: I think
7 those are old numbers.

8 COUNCILWOMAN BASS:
9 Okay.

10 COUNCILWOMAN AHMAD:
11 Before you go, to the point of
12 making sure we get the data to
13 see -- because I'm sure you also
14 have a map to show where these are
15 concentrated. That's the data we
16 would like to see, to see not only
17 the level of licenses, how many are
18 there, where are they is also going
19 to be very important.

20 Because the whole issue
21 of density, I want to make sure
22 that the density issue is addressed
23 in the neighborhoods that Dr. Tan
24 spoke about, right. We want to

1 make sure that we don't have a
2 prevalence there. And hopefully,
3 that's where you're looking at your
4 license reduction to make sure that
5 even for all of the city how many
6 retailers do you have, whether you
7 do it by census tract or however
8 you do it, we would like to see
9 that data as well, like a heat map
10 of what's going on.

11 MR. HARTUNG: Okay.
12 Absolutely.

13 COUNCILWOMAN AHMAD:
14 Thank you. Thank you. Dr. Tan,
15 we'll go back to you -- are you
16 done?

17 COUNCILWOMAN BASS: Yes,
18 I am. Thank you.

19 COUNCILWOMAN AHMAD:
20 Okay. You cited Massachusetts
21 flavor ban and penalty escalation.
22 We are not doing a flavor ban.
23 We're just looking at change in the
24 fine structure. Could you share if

1 any lessons there are about
2 equitable enforcement, because you
3 mentioned that in your testimony
4 that we should be cognizant of
5 that, right.

6 And I want to reiterate
7 again we are not wanting to hurt
8 people's businesses. What we want
9 is people to follow the law and not
10 hurt our children, right. So in
11 that space, I want to see how
12 equitably one can do that.

13 DR. TAN: Absolutely.
14 In some of the recommendations that
15 I provided in my testimony, these
16 are steps that are taken in
17 Massachusetts to make sure that the
18 retailers are informed way in
19 advance of the start date of the
20 enforcement with culturally- and
21 linguistically-appropriate
22 materials for the retailers ahead
23 of time.

24 And they have also

1 implemented a so-called soft launch
2 version of their enforcement period
3 where retailers are given verbal
4 initial warnings before the actual
5 penalties are enforced in terms of
6 the fines. So those are just some
7 strategies ahead of time to ease in
8 the communities, the retailers and
9 specific communities ahead of these
10 raised fines and penalties.

11 COUNCILWOMAN AHMAD:

12 Thank you. And I want to pivot
13 back to the Health Department.
14 Given this testimony about how
15 intentional have you been in the
16 past, and we would like you to be
17 going forward once we are able to
18 get this on the books, in terms of
19 informing our businesses about
20 these changes and is it done in a
21 culturally-competent manner and if
22 you have any data around that from
23 previous bills that might have been
24 passed to address youth access to

1 tobacco?

2 MR. HARTUNG: Sure. We
3 certainly do prepare materials when
4 new bills are passed to inform the
5 retail community, and we can pull
6 some examples and work with your
7 office if this passes.

8 COUNCILWOMAN AHMAD:

9 Yeah. We just want to make sure
10 that we're not checking boxes, but
11 we're actually working with our
12 business community to say this is
13 what we passed, this is what you
14 need to do and these are the
15 consequences if you don't but
16 making sure they train their staff,
17 they are trained themselves and
18 they understand the consequences of
19 this.

20 I'm hoping -- I'm
21 trusting in our people to say
22 they're not doing these things
23 intentionally to hurt children,
24 right. So I just want to make sure

1 our business community understands
2 we need you to be a partner in
3 making sure we safeguard our
4 children's health, right. And
5 that's why we would need a process
6 for them to understand the bill,
7 what exactly the penalties are,
8 what has changed about them and
9 making sure they comply so they
10 don't have to pay those fines.

11 If you comply, you don't
12 pay those fines. If you make sure
13 people are carded and are not sold
14 if they're 18 or younger, no fines
15 are paid, right.

16 Because this is not a
17 revenue generator. This is about
18 making sure we're safeguarding our
19 children's health. So I would love
20 to see what sort of a campaign the
21 Health Department does or has done
22 in the past around issues when
23 there's been a change in what the
24 retailers have to comply with.

1 MR. HARTUNG: Okay. I
2 think the latest one and -- we did
3 something around hookah
4 establishments that we could share,
5 but I have to defer to some of our
6 outreach people on that. But we
7 can get that to you.

8 COUNCILWOMAN AHMAD:
9 Yeah, because that's going to be
10 the devil in the details, right.
11 We can pass as many bills as we
12 want, but how are people complying,
13 are they understanding is going to
14 be the real issue post passing the
15 bill. Thank you. Thank you very
16 much.

17 We'll just go back to
18 Dr. Tan. Do you have any questions
19 for Dr. Tan?

20 COUNCILWOMAN LOZADA:
21 Thank you for your testimony today.
22 Obviously, we can see that there's
23 a language barrier as it relates to
24 policy and process. So my question

1 to the Admin is what are we doing
2 when we are putting these policies
3 and processes in place, what are we
4 doing to ensure that businesses who
5 don't speak English are notified
6 and educated around what these
7 requirements are, right?

8 We had a community
9 member that was translating who now
10 had to leave. And so, I believe
11 this is part of the breakdown that
12 some of our businesses experience.
13 And if we're saying we're open for
14 business and we want businesses to
15 be responsible, then as a
16 government we need to ensure that
17 we are making these processes and
18 policies, that we're putting them
19 in place in a way that they're able
20 to understand.

21 So what are we doing to
22 do that? What are we doing, you
23 know, they feel targeted by the
24 Health Department. They feel

1 targeted by Licenses and
2 Inspections. They don't understand
3 the process of state tobacco
4 requirements and city tobacco
5 requirements. So there is
6 obviously a disconnect when it
7 comes to the entire conversation
8 around tobacco sales and what their
9 responsibility is.

10 MR. HARTUNG: I may have
11 to defer a detailed response, but I
12 know that when you apply for a
13 tobacco retailer permit, you have
14 to renew every year. And we have
15 an education module that is
16 required to be taken with that
17 renewal or with any new
18 application, and that material is
19 translated into multiple languages
20 per City policy.

21 COUNCILWOMAN LOZADA:
22 Thank you.

23 COUNCILWOMAN AHMAD: Any
24 other questions?

1 (No response.)

2 COUNCILWOMAN AHMAD:

3 Thank you so much for your
4 testimony.

5 We'll ask the Clerk to
6 call up the next witness panel.

7 THE CLERK: Jacob
8 Zychick, Community Advocacy
9 Director, American Heart
10 Association.

11 (Witness approached
12 Witness table.)

13 COUNCILWOMAN AHMAD:
14 Thank you. Please state your name
15 and begin your testimony.

16 MR. ZYCHICK: Jacob
17 Zychick. Dear Councilmember Ahmad
18 and members on the Committee of
19 Public Health and Human Services,
20 on behalf of the American Heart
21 Association thank you for the
22 opportunity to provide testimony on
23 Bill 250213, which would amend
24 Section 9-633 of The Philadelphia

1 Code, entitled "Sale of Electronic
2 Smoking Devices and Unimproved
3 Nicotine Delivery Products."

4 Thank you once again for
5 the opportunity to provide
6 testimony. 38% of youth have tried
7 and 19% are currently using
8 ecigarettes each year. The tobacco
9 industry sells over \$300 million
10 worth of their products in our
11 city. 74% of ecigarette sales are
12 flavored products.

13 Research has shown that
14 most teens start using tobacco with
15 flavored products. These products
16 are appealing to young people and
17 many mistakenly believe that they
18 are less harmful. We want to thank
19 Councilmember Ahmad and actually
20 all 17 members of the Philadelphia
21 City Council for recognizing the
22 importance of addressing youth
23 ecigarette use and co-sponsoring
24 this important legislation.

1 The American Heart
2 Association is supportive of the
3 intent of this legislation. This
4 bill would increase the monetary
5 fines levied on retailers who
6 repeatedly sell ecigarettes to
7 underage individuals. It would
8 ensure that a percentage of revenue
9 from those fines is spent on
10 evidence-based youth ecigarette
11 prevention resources and does not
12 penalize our youth for the purchase
13 user possession of these products.

14 Unfortunately, at the
15 American Heart Association our
16 guidance is a little bit stronger
17 than the current legislation, but
18 due to preemption we understand
19 some of the challenges that the
20 City of Philadelphia faces.

21 We'd also like to
22 clarify that the current federal
23 law prohibits the sale of tobacco
24 products to anyone under the age of

1 21 and at the federal level, there
2 is no exemption for active military
3 personnel or veterans of the
4 military at the age of 18 years
5 old. The American Heart
6 Association would also like to
7 reiterate that there is no safe
8 tobacco product.

9 We do ask as we move
10 forward in these conversations that
11 we ensure that retailers who sell
12 any tobacco product to underage
13 individuals are all receiving the
14 same penalties around enforcement.
15 Thank you for the opportunity to
16 testify on behalf of the American
17 Heart Association. We would like
18 to thank the Philadelphia City
19 Council and the Health Committee
20 for their urgency in addressing the
21 youth ecigarette usage.

22 This legislation
23 specifically outlines how we'll
24 invest in youth ecigarette

1 prevention, ensures that our youth
2 are not penalized and increases
3 fines on retailers who repeatedly
4 sell ecigarettes to our children.
5 We do hope that the City of
6 Philadelphia can work closely with
7 us moving forward to address this
8 epidemic on ecigarettes, and ensure
9 that retailers who sell any tobacco
10 product, not just ecigarettes to
11 our youth, are receiving the same
12 penalties moving forward. Thank
13 you for the opportunity to provide
14 testimony and I hope everyone has a
15 wonderful weekend.

16 COUNCILWOMAN LOZADA:
17 Thank you for your testimony.

18 COUNCILWOMAN AHMAD: All
19 right -- oh, he left. Just come
20 back for a minute. I have a couple
21 of questions for you. So I wanted
22 to just understand the legal
23 challenge. We're faced with legal
24 challenges which is why we like to

1 be much more ambitious and we are
2 dialing it down for those reasons.

3 So license revocation,
4 how do you reconcile the deterrence
5 benefit with the risk of legal
6 challenge or administrative backlog
7 that might follow from automatic
8 revocation? And has other places
9 encountered that?

10 MR. ZYCHICK: Yeah.
11 Thank you so much for the question.
12 I think it would be a great
13 opportunity for the City of
14 Philadelphia to -- and I know the
15 Health Department and others
16 through some of their coalition
17 work to connect with some of like-
18 minded colleagues in other cities
19 who have faced some of these
20 efforts and challenges.

21 I know, for example, for
22 smoke-free SEPTA initiative, we
23 were connected with stakeholders
24 and decision-makers with other

1 cities across the country who had
2 faced those challenges. So I think
3 that some role the American Heart
4 Association could be helpful in
5 convening other elected officials,
6 decision-makers, to kind of discuss
7 some of the challenges faced.

8 I will just note at the
9 Heart Association we do understand
10 our national kind of best practice
11 and guidance and the challenges
12 that the City of Philadelphia faces
13 due to preemption. And I just want
14 to also acknowledge not just the
15 City of Philadelphia, but all
16 municipalities in the Commonwealth
17 face the same challenges as they
18 look to address cigarette use and
19 vaping.

20 COUNCILWOMAN AHMAD:
21 Well, that's something we have to
22 do collectively in the entire
23 country because tobacco has a
24 stranglehold on us clearly.

1 Anybody else have any
2 questions for this witness?

3 (No response.)

4 COUNCILWOMAN AHMAD:

5 Thank you so much for your
6 testimony.

7 MR. ZYCHICK: Thank you.

8 COUNCILWOMAN AHMAD:

9 Now, we are going to transition to
10 the public comment session. Please
11 note that the time limit for each
12 speaker is one minute.

13 Mr. Sham, would you call
14 the first speaker for public
15 comment.

16 THE CLERK: Saury Mejia.

17 (Witness approached
18 Witness table.)

19 MR. MEJIA: Good
20 morning. Didn't know we were going
21 to have one minute only to speak
22 today --

23 COUNCILWOMAN AHMAD: You
24 can submit your testimony in

1 writing and we can take the whole
2 thing. If you can just summarize
3 your --

4 MR. MEJIA: Perfect.
5 Will do. So good morning, Chair,
6 members of the Council and fellow
7 citizens. So my name is Saury
8 Mejia. I wanted to submit
9 testimony in opposition of Bill NO.
10 250213.

11 I'll summarize. So I
12 have a personal connection to this.
13 My father is a grocery store owner
14 in Philadelphia for over 30 years.
15 It's a family-run business. He
16 served the community through any
17 economic activity and neighborhood
18 changes. Recently his tobacco
19 license was not renewed. And I'm
20 actually an attorney. And so,
21 obviously I tried to help my father
22 out with appeals.

23 I appealed to the board.
24 And even there the board, even

1 though I had testimony or actually
2 proof that the violations, the
3 citations were incorrectly filled
4 out, they still upheld their
5 decision.

6 And also, another issue
7 is when citations are given,
8 they're given -- some of them are
9 given three, four months down the
10 line and the store owners only have
11 camera footage for maybe a month.

12 So imagine let's say you
13 get an E-ZPass ticket, and you get
14 the ticket five months down the
15 line. There's no way for you to
16 really go back and try and prove,
17 well, I didn't go through this
18 E-ZPass. Now, you get a \$250 fine.

19 So imagine now with this
20 bill the fine has increased to
21 \$1,000 or 3 or 5 -- well, I saw
22 that or I heard the maximum is
23 going to be 2. On top of that,
24 there's going to be a sign or a

1 poster that needs to be put on the
2 business saying that this
3 establishment sold to a minor
4 without an ID, which I understand.

5 None of us here, we're
6 not trying to sell tobacco to
7 minors. No one wants that. I
8 mean, I have a child. I don't want
9 her, you know, buying tobacco
10 obviously. But you got to think of
11 the 14-, 16-hour days that these
12 store owners have. And if it does
13 happen, hopefully it doesn't,
14 hopefully, you know, there's
15 something that -- it's just a
16 mistake. And that's what it is.
17 And just penalizing, making a fine
18 four times the amount just seems
19 excessive.

20 Also, there are some
21 preemption issues with this law.
22 But imagine, I spent about 60 to 70
23 hours working on my dad's case. I
24 looked up last night, the average

1 attorney in Philadelphia charges
2 300 to 759 an hour. Just going on
3 the low end of 300 an hour, you're
4 looking at \$18,000 to \$21,000 for
5 an attorney. Meanwhile, your
6 store, your business, what you live
7 off of is closed for six months or
8 while you're going through an
9 appeal, and you get a -- well, I
10 thought 5, but now \$2,000 fine. So
11 you have to pay a \$2,000 fine. You
12 can't pay your employees. And you
13 have to go and pay an attorney
14 almost \$20,000. At that point, it
15 just seems like it's a target to
16 those businesses.

17 I just want you to
18 understand that this is going to
19 hurt them. And I'll wrap up. We
20 believe it is a due process
21 violation. So in all fairness, we
22 want to -- instead of looking at
23 the punishment, we want to maybe
24 expand the enforcement powers and

1 introduce -- or not expand.
2 Instead of expanding, force powers
3 to do some punitive measures. We
4 want to focus on fair and
5 transparent consistency of
6 enforcement.

7 COUNCILWOMAN AHMAD:

8 Thank you for your testimony. And
9 I just wanted to say all of this
10 would be obviated if people checked
11 IDs. That's all we're saying.
12 Check the IDs. 18 and under, don't
13 sell. So there's a responsibility
14 all the way around.

15 But I do hear you about
16 how the process works. As I said
17 earlier and my colleague
18 translated, we're going to recess
19 this meeting soon after you're done
20 with your everybody's testimony,
21 and we're going to have a
22 conversation, because my bill
23 doesn't address any of that.

24 This bill is not about

1 the process. However, I hear that
2 the process is important and we're
3 going to get some clarity on the
4 process from the Health Department,
5 with you, with all of us. But this
6 bill is going to proceed because
7 you have the choice just to card
8 people and not sell the product.

9 But I do understand once
10 the violation has happened, how to
11 have clarity about that. We are
12 100% there with you to make sure
13 people understand because
14 deterrence is a very good way of
15 stopping behavior. We know this.

16 You have a traffic
17 red-light camera. You slow down.
18 It works. Human nature it works.
19 So thank you for your testimony.
20 Please submit your written
21 testimony if you have --

22 There's a question from
23 my colleague.

24 COUNCILWOMAN BASS: Good

1 afternoon.

2 MR. MEJIA: Good

3 afternoon.

4 COUNCILWOMAN BASS: I

5 just had a question for you. You

6 said that a merchant in some cases

7 may have had a visit, let's say,

8 from the Health Department, and

9 then months later received a

10 violation?

11 MR. MEJIA: Yes,

12 multiple times actually. So my dad

13 received about six tickets. Four

14 of them was received four months

15 later. And I requested a hearing

16 and I never actually received

17 notice of the hearing as well. So

18 it was a lot of due process

19 violation.

20 And just in that

21 aspect -- I actually brought my

22 dad's case, half of it. I didn't

23 want to carry it all, just so you

24 guys can see the complexity of

1 these matters.

2 COUNCILWOMAN BASS:

3 Okay. How did those citations
4 come? Did they come in the mail?

5 MR. MEJIA: Yes, they
6 came in the mail.

7 COUNCILWOMAN BASS:

8 Because that's something we can
9 actually do something about in
10 terms of legislating a requirement,
11 that if it's not sent out within a
12 particular amount of time, then you
13 can't collect. It's like coming
14 back six months or six years later
15 it might as well be, to try to
16 collect.

17 And also, you mentioned
18 something about stores closing
19 which I found interesting, because
20 in my experience the City of
21 Philadelphia doesn't close stores
22 or if they close them, it takes a
23 really long time.

24 I've worked on these

1 business issues in my District for
2 a long time. We have some that are
3 just flagrantly doing whatever they
4 want to do and getting the City to
5 do the level of enforcement,
6 whether it's Health or L&I, in my
7 opinion, it doesn't happen and it
8 doesn't happen nearly as quickly as
9 it needs to happen. So I was
10 surprised to hear you say we're
11 closing stores.

12 MR. MEJIA: Yeah. So
13 they actually did close -- so after
14 the tobacco license wasn't renewed,
15 within a week an inspector came by.
16 All the cigarettes were actually in
17 a black garbage bag and the
18 inspector went behind the counter,
19 opened the garbage bag, saw them
20 there and said, I'm giving you a
21 cease of operations just because
22 they were on the premises.

23 COUNCILWOMAN BASS:
24 Yeah, they can't be on the

1 premises.

2 MR. MEJIA: And I
3 understand that. But they were
4 collectively taking them to
5 whoever, wherever, disposing of
6 them to be honest. And that's what
7 led to that. I can't speak for
8 anyone else. I can only speak for
9 this case.

10 COUNCILWOMAN BASS:

11 Okay. All right. Thank you.

12 MR. MEJIA: Thank you so
13 much.

14 COUNCILWOMAN AHMAD:

15 Thank you for your testimony -- oh,
16 sorry. My colleague has a
17 question.

18 COUNCILWOMAN LOZADA:

19 I'm sorry. So I want to kind of
20 follow the same line of questioning
21 that my colleague Councilmember
22 Bass just asked you. You said that
23 they issue a violation and that you
24 don't receive it for several

1 months.

2 My question is how easy
3 is it, for instance, for a business
4 to then prove their case if they
5 are in disagreement with that
6 violation? And I ask the question
7 because I know from visiting some
8 of the businesses that their camera
9 roll doesn't last that long, right.

10 MR. MEJIA: Exactly.

11 COUNCILWOMAN LOZADA:

12 And so, what are some of the
13 challenges that some of the
14 businesses experience having to
15 prove or appeal a violation that
16 they receive?

17 MR. MEJIA: It's
18 actually -- so if the violation is
19 given to them immediately, which I
20 think that should be the course of
21 action. When you receive a
22 violation, hey, have the inspector
23 walk in there, here, you just sold
24 to this person. There's

1 accountability right then and
2 there.

3 For a lot of businesses,
4 the camera roll deletes after a
5 month. And I go back to my E-ZPass
6 example. Imagine you have a dash
7 cam and it deletes every two weeks
8 or every month, and then you go
9 down the line and three months
10 later you receive an E-ZPass
11 ticket. It's very difficult.

12 And a lot of these store
13 owners, I mean they don't have any
14 knowledge in IT. So now, they got
15 to call the company that installed
16 the camera system. They're booked
17 or they're installing other camera
18 systems and it just takes time.

19 So if we don't have that
20 camera or footage, you can bring
21 everyone in the entire neighborhood
22 and it's impossible to actually
23 prove.

24 COUNCILWOMAN LOZADA:

1 Has any of the businesses that you
2 represent ever been shut down just
3 for a tobacco violation or has the
4 tobacco inspection then triggered a
5 follow-up inspection that has
6 caused for the closure?

7 I only ask that, Madam
8 Chair, because no one has ever
9 reached out to me about them
10 missing or failing a tobacco
11 violation that has caused a
12 closure, right. So is it because
13 of the tobacco violation that
14 they're saying they've been shut
15 down or they've been shut down
16 because the tobacco violation has
17 triggered another type of
18 inspection?

19 MR. MEJIA: So in the
20 case I referenced, I guess the
21 non-renewal maybe triggered another
22 visit, and I can get -- it was
23 about a week later, it might have
24 been days later. And then I did

1 have another case where there was
2 two, not cartons but I guess boxes,
3 like a pack, two packs of
4 cigarettes that maybe was just left
5 there. The owner didn't see it.
6 For some reason, the Health
7 Department came by to just inspect
8 or whatnot. They saw the two and
9 they did give them a cease of
10 operations. And this was like at
11 7, 8 o'clock in the evening as
12 well.

13 COUNCILWOMAN LOZADA:

14 Okay. Thank you.

15 COUNCILWOMAN AHMAD:

16 Before you go just for the record,
17 it was a compliance issue. They
18 got a cease and desist for selling
19 tobacco and that was a violation of
20 the violation?

21 MR. MEJIA: So in either
22 case, they were not selling. It
23 was on the premises in a black --

24 COUNCILWOMAN AHMAD: So

1 there needs to be some clarity in
2 saying when your license is being
3 revoked, you may not have any
4 tobacco product in the store and we
5 must make that clear. But our
6 retailers also must understand they
7 have a responsibility.

8 This is about shared
9 responsibility, right. This is --
10 as you said, nobody wants their
11 children to become nicotine
12 addicts, right. Unfortunately,
13 adults do that but we don't want
14 our children.

15 But I just want to make
16 sure people understand there's a
17 shared responsibility with
18 government and with our retail
19 establishments to understand they
20 have to work together. We'll have
21 conversations around the Health
22 Department and the way they do
23 their work.

24 And once again, I will

1 say this is about the
2 implementation part of this bill.
3 This bill is to wake people up.
4 Red light camera up there. Better
5 watch if you're carding. That is
6 going to be something we're going
7 to be behind to do, but we want to
8 make sure you have resources to
9 make sure you can comply. So thank
10 you again for your testimony.

11 MR. MEJIA: Thank you
12 guys.

13 COUNCILWOMAN AHMAD: If
14 the Clerk would call the next
15 witness.

16 THE CLERK: Frank
17 Francisco Rosario and Raul Serrata.

18 (Witness approached
19 Witness table.)

20 MR. ROSARIO: Raul
21 Serrata had to leave because he had
22 a parking issue.

23 COUNCILWOMAN AHMAD:
24 Please state your name and proceed

1 with your testimony.

2 MR. ROSARIO: Good
3 morning, Councilmembers. My name
4 is Frank Francisco Rosario. I am
5 the Director of Community Outreach
6 for the Dominicans Grocer
7 Association nonprofit and Director
8 of Constituent Services.

9 I would like to make you
10 aware the DGA is a 501(c)(3)
11 nonprofit with the IRS, and we have
12 never received any funding from the
13 state government or anything.
14 We're doing everything volunteer.
15 I am a volunteer, full-time
16 volunteer. I don't make any money
17 for being here right now. I'm
18 losing money for being here right
19 now.

20 First, I would like to
21 respectfully tell Quetcy, who is a
22 friend and collaborator, that we
23 did as soon as we found out. Like
24 I said, like I mentioned earlier,

1 we emailed your office to people,
2 specifically, a person from your
3 legislative team and then somebody
4 else. We emailed Nina Ahmad's
5 office and we made everybody aware.
6 Even the Mayor's office got
7 notified. And they said, we are
8 not the proper audience. You
9 should reach out to Nina, and we
10 did.

11 Now, I'll begin my
12 testimony. My name is Frank
13 Francisco Rosario and I serve as
14 the Director of Community Outreach
15 for the Dominican Grocer
16 Association and Constituent
17 Services. On behalf of our
18 members, I appreciate the
19 opportunity to testify today and
20 share our concerns regarding Bill
21 No. 250213.

22 I want to tell you a
23 little bit about the DGA. We
24 represent over 2500 independently-

1 owned grocery store owners across
2 Philadelphia. These family-run
3 businesses are vital to their
4 communities, providing fresh food
5 and essential goods, especially in
6 food deserts.

7 They create jobs,
8 contribute to the local economy and
9 serve as trusted neighborhood hubs.
10 Collectively, our members
11 contribute millions of dollars in
12 taxes to the City of Philadelphia
13 each year. Key concerns with the
14 bill we have: While we respect the
15 Councilmembers' intention, this
16 legislation presents serious,
17 unintended consequences for small
18 grocers, unjust violation claims
19 and due process violations.

20 We want to be clear, we
21 do not condone selling tobacco to
22 minors nor do we believe that those
23 who do so should avoid punishment.
24 However, we receive numerous

1 reports of due process violations
2 in the enforcement of these
3 regulations and also the
4 investigation. I don't know if the
5 City Council is aware, but the City
6 contracted a third-party agency
7 that does investigations that
8 brings minors into these stores to
9 buy tobacco just like the DA will
10 do with a drug case, right. It's a
11 little bit of entrapment.

12 Our members feel a
13 little bit that they're being
14 entrapped. And like my colleague
15 Saury Mejia, the attorney, he said
16 that they are being -- there's
17 reports of fabrication of tickets.
18 There's things I'm aware of
19 personally where I see video
20 footage that at 9:00 a.m. on March
21 25, 2024 there was no sale of
22 tobacco from 9:00 to 10:00, and
23 there's a ticket at 9:30 a.m.
24 saying that that person sold

1 tobacco, so we need to investigate
2 that. And we had two meetings with
3 the Director of Health. We also
4 had a meeting with the supervisor
5 for the Tobacco Department and
6 nothing has been done yet.

7 Citations are often
8 issued three months later. That's
9 what the attorney said so I'll skip
10 on that. The burden of proof falls
11 entirely on the grocer and only
12 viable defenses, security footage,
13 is typically erased 30 days. City
14 Council passed legislation that you
15 need an attorney if you're an LLC
16 or a corporation, and they force
17 people to incorporate. Now, those
18 people need to pay \$700 to \$1,000
19 or maybe more for an attorney to
20 come represent them to just present
21 a video to show that they didn't do
22 it. They can't represent
23 themselves due to the corporation
24 and LLC law.

1 The third-party agency,
2 responsible for investigations,
3 conducts investigations by bringing
4 minors into the stores to attempt
5 to purchase tobacco. This practice
6 raises concerns about entrapment
7 and it makes hardworking small
8 businesses owners feel like
9 criminals.

10 I want to add to the
11 prior statement of two -- so
12 basically I'm personally aware of
13 friends of mine who got their
14 business shut down just for selling
15 tobacco to a minor after a certain
16 amount of violations. After a
17 certain amount of violations, they
18 get shut down for two weeks. Of
19 course, we can talk about
20 preemption issues where I want you
21 guys to look at preemption issues
22 and the authority for City Council
23 to do this under state law.

24 Focus on the

1 investigations, the third-party
2 agency, due process violation which
3 is we can sue federally for this.
4 I think higher government should
5 restrict authority from City
6 Council due to preemption issues.
7 I already mentioned that.

8 Other things that will
9 affect the members is excessive
10 fines could lead to closures. The
11 bill increases fines up to 5000 for
12 repeated offenses and unsustainable
13 financial burden for small
14 businesses. I will be okay if
15 you're giving tickets and you're
16 closing them and giving them a
17 \$5,000 fine if they did it. But I
18 personally seen it where our
19 members got tickets and then they
20 fought it and then they won in
21 front of the board. There's
22 fabrication of tickets. Well,
23 that's an allegation, you know.
24 That's our members' concerns.

1 Risks for closure for
2 minor inspections: The Department
3 of Health could shut you down for
4 up to 60 days. That's what we
5 believe with the new bill. Even
6 for minor infractions causing
7 devastating financial losses, 60
8 days for a bodega to be closed is
9 detrimental. That will shut them
10 down.

11 Disrupt the inspections:
12 Mandatory quarterly inspections
13 over two years will place undue
14 stress on small business owners,
15 many of whom already operate with
16 limited staff. We respect
17 Councilwoman Ahmad. You mentioned
18 several times at this hearing
19 you're only increasing fines.
20 That's not what you're doing.
21 You're doing much more than that.
22 Okay. We need to review that bill.
23 If you want to increase fines, go
24 ahead. But don't do the other

1 things that are going to affect us.

2 Okay.

3 Reputation damage:

4 There's also going to be a
5 requirement for businesses to
6 publicly post violations for 90
7 days that could potentially harm
8 their reputation and customer
9 trust. I don't believe customers
10 are going to trust a store that has
11 a city-issued notice saying, I
12 violate city code. We're not
13 criminals. There's just a city
14 code. And what if that grocer did
15 not sell to a minor and he unjustly
16 got convicted or whatever.

17 A call to fair
18 solutions: We urge the City
19 Council to work with us on
20 enforcement solutions that protect
21 public health without threatening
22 the survival of small grocers. The
23 DGA is ready to collaborate to
24 ensure regulations are fair and

1 effective.

2 A couple more notes,
3 just 30 more seconds.

4 COUNCILWOMAN AHMAD: You
5 can submit your written
6 testimony if --

7 MR. ROSARIO: Okay. One
8 more second please. So I would
9 like to make you aware that they
10 need attorneys, \$700, and the
11 ticket's only 250, so why don't I
12 just pay the ticket instead of
13 attorney, right. But that means
14 you have repeat offender. Unjust
15 violation claims and due process
16 violation, third party agency that
17 we believe is incentivized to give
18 as many tickets as possible.
19 Excessive fines, okay, due process
20 violation, disruptive inspections
21 before they enforce the new bill.
22 Change the way it's done. Why are
23 you having a third-party agency do
24 the investigations.

1 One last thing I want to
2 point out that the only defense
3 that you have in this kind of case
4 is video proof that you didn't do
5 it, which at least after 30 days
6 the due process violation comes in
7 when you give it to us three months
8 later.

9 I know people personally
10 who did that. There's a guy
11 sitting here right now who beat it,
12 right there, Miguel Torres. He
13 actually received a violation. I
14 seen the video and he did not sell
15 tobacco to a minor. We got the
16 video still if you want to see it.
17 He beat the case. So who
18 fabricated it, who made it up.

19 Stop treating us like
20 criminals. That's what we feel
21 like. We feel like the City is
22 against us. Mayor Cherelle Parker,
23 who I know personally, said we're
24 open for business, right. But it

1 seems like you're trying to close
2 all small businesses down and let
3 Wawa operate. Thank you.

4 COUNCILWOMAN AHMAD:

5 Thank you for your testimony.
6 Don't go, because as I said and
7 I'll say it again, simple solution,
8 card your customer. Don't sell to
9 18 and under. No fine, no video,
10 nothing needed if you follow that
11 rule.

12 That is -- I'm going to
13 tell you undoing the harm that
14 vaping does to a child's lungs,
15 some of it cannot be undone. So I
16 hear you about these are big fines,
17 but we have a very simple solution:
18 Make sure you check who you're
19 selling to, we don't have.

20 And the second part you
21 talked about is the time. That is
22 something definitely we want to
23 talk to the Health Department to
24 follow up to make sure that you're

1 able to produce evidence once you
2 have been found to violate to make
3 sure as you guys said in this case
4 that it was not true.

5 The third party issue,
6 and again the Health Department we
7 will discuss this with them, the
8 reason for doing the third party
9 using minors with an adult nearby
10 is to actually find people who keep
11 violating and keep selling to young
12 people. However, it has to be
13 accurate so I hear you. I hear you
14 when you say that the evidence
15 needs to be clear and real. And we
16 will definitely follow up with the
17 Health Department to understand how
18 that could have happened, how he
19 could have been ticketed for
20 something that did not happen, so
21 we can get to the bottom of that.

22 But the point is these
23 fines are, like I said to the
24 previous witness, this is like a

1 red light camera. Red light camera
2 tells you to slow down. We have
3 seen enough evidence that it does
4 slow down people and we do save
5 lives. Same thing here, this is a
6 red light camera. Do not sell to
7 minors, no fine and children will
8 benefit from that.

9 MR. ROSARIO:

10 Councilwoman, I will respectfully
11 say again before you keep enforcing
12 it, before you amend a bill from
13 what is 2015, you should really
14 look at the fact that a lot of our
15 members have lost their license for
16 allegedly selling to tobacco minors
17 and they have not. I seen the
18 video personally, Councilwoman.

19 COUNCILWOMAN AHMAD: I
20 hear you. I hear you.

21 MR. ROSARIO: They are
22 fabricating violations. That's not
23 okay.

24 COUNCILWOMAN AHMAD: I

1 agree with you that is not okay.
2 It has to be proven which is why --
3 when I asked the Health Department
4 why does it take time to actually
5 issue the ticket, that was to
6 verify that the ticket was needed
7 to be issued. They were doing
8 their due diligence. But if it's
9 more than a month I hear your issue
10 about cameras. Those are things,
11 that's the implementation end.

12 But the red light camera
13 approach to this doesn't change.
14 We still have to look at how well
15 it is implemented. We don't want
16 our businesses to suffer. We want
17 them to make money, pay their taxes
18 and we get more money in the City
19 to do good services. We want you
20 to survive.

21 I'm a small business
22 owner myself. So let me be clear,
23 too much regulation is not good.
24 But this is a red light camera

1 issue to save our children's lungs,
2 let me be clear. Many of you have
3 children. You don't want them to
4 be sold under 18 products that are
5 going to hurt them. I know that's
6 what you want. So we want to work
7 with you to make sure.

8 But just like -- I'll be
9 like a broken record. When we put
10 those cameras up, people stop
11 speeding and people stop dying.
12 Roosevelt Boulevard, people stop
13 dying because people will stop
14 speeding. So that is exactly what
15 we are doing. I appreciate your
16 passion about representing your
17 members. I hear you.

18 Can we make the process
19 better? Of course. How will the
20 implementation occur? We need to
21 talk to the Health Department. But
22 we also want to hold all of us
23 accountable in this process. All
24 of us have to do the right thing.

1 And so, I really appreciate your
2 passion and coming here and we'll
3 have a follow-up conversation, as I
4 said, before we are going to
5 actually vote on the
6 recommendation. That's the
7 commitment I'm making to you and
8 we'll follow up as soon as this
9 hearing is over. All right. Thank
10 you.

11 Does anybody have a
12 question?

13 COUNCILWOMAN BASS: I
14 just wanted to make just a follow-
15 up statement.

16 COUNCILWOMAN AHMAD:
17 Yeah.

18 COUNCILWOMAN BASS: But
19 I would just -- just going back to
20 what you said that you felt like it
21 was entrapment. I would assume
22 that everyone is a minor. Assume
23 that everyone who comes in as a
24 minor. Card everybody. You know,

1 listen, some stores I'll even go
2 into and, look, they may card me.
3 You know, I'm no minor. But they
4 may, you know, I know I look like a
5 minor -- just kidding.

6 Don't laugh so hard,
7 Nina.

8 COUNCILWOMAN AHMAD: You
9 should say yes.

10 MR. ROSARIO: Yes. I
11 did say yes.

12 COUNCILWOMAN AHMAD: You
13 should say yes very loudly. All of
14 us look like minors.

15 MR. ROSARIO: All of you
16 do look like minors. I'll check
17 all of your IDs.

18 COUNCILWOMAN BASS: But
19 that's the point. Some people,
20 some businesses check everybody
21 even though it's apparently clear,
22 abundantly clear that the person
23 before them is unlikely to be a
24 minor, very much unlikely. I think

1 that the policy really should be
2 just card everybody and that way if
3 that's the policy, there's no way
4 that someone could come in and
5 accuse anyone of doing anything
6 that's inappropriate.

7 What was the other point
8 that I was making? I'm sorry. I
9 didn't write my notes down -- oh,
10 for those who have received a
11 notice that they would be closed
12 for selling to minors, if you feel
13 that that has been inaccurately
14 assessed against you, that notice
15 has been assessed against you
16 inaccurately, then feel free to
17 reach out to your District
18 Councilmember.

19 Feel free to reach out
20 to us and say, help, we need some
21 help, and let us help you navigate.
22 Because what we don't want to do is
23 target particular businesses and
24 the information that we're

1 receiving is not factual. We want
2 factual information and we want to
3 also be able to help you. But we
4 don't know if you don't tell us.

5 Please don't assume that
6 we got the notice that we're
7 shutting down this business at X,
8 Y, Z location. We don't know. So
9 we need for you to tell us, reach
10 out to us and let us know.

11 MR. ROSARIO: Thank you,
12 Councilwoman.

13 COUNCILWOMAN BASS:
14 You're welcome.

15 COUNCILWOMAN AHMAD:
16 Thank you, Councilmember.

17 And also, I would
18 actually after this like to follow
19 up about the one person who was
20 found not guilty. We'll talk
21 later. Because I want to bring it
22 up with the Health Department, how
23 did it happen, because that'll
24 teach us how to improve the system.

1 And so, we will --
2 you're talking to a scientist who's
3 going to understand the process to
4 make sure it's better and fair for
5 everybody.

6 Any questions?

7 COUNCILWOMAN LOZADA: I
8 just want to also put on the record
9 that I think it's important for the
10 group to also have a meeting with
11 the Health Department, not just by
12 yourselves but with Councilmember
13 Ahmad, who is the Chair of this
14 Committee so that she's also able
15 to hear and better understand what
16 some of your challenges are as well
17 as what some of your experiences
18 are as it relates to the Health
19 Department and what their
20 commitment is, right.

21 I think that there are a
22 lot of concerns around tobacco and
23 the process as it relates to the
24 City as well as compared to what is

1 happening at the state level.
2 Because I've heard from many of you
3 who are frustrated with people who
4 are selling tobacco, not just to
5 minors but who are selling fake
6 cigarettes, right, false tobacco
7 products.

8 And so, I think that we
9 have to have a better form of
10 communication to be able to better
11 advocate for you as it relates to
12 city process, right. But we also
13 have to do better in trying to
14 figure out how the business
15 community who sells tobacco
16 products is better-informed as it
17 relates to state and city policies,
18 right, and how they're impacted.
19 Because I've never heard of a
20 business being shut down for just a
21 tobacco violation. So there's
22 something that I really want to
23 follow up on to better understand
24 what exactly happened and what was

1 the process.

2 MR. ROSARIO: Can I say
3 one more thing?

4 COUNCILWOMAN AHMAD:
5 Yeah, please. And then we have to
6 wrap it up.

7 MR. ROSARIO: I know
8 business owners, a lot of them who
9 are present today, who ID everyone.
10 (Spanish translation).

11 I asked, raise your hand
12 if you never sold tobacco to a
13 minor and you got a violation. One
14 last thing, Councilwoman. With all
15 due respect to the metaphor that
16 you used, if I run a light in the
17 city of Philadelphia, I'm not in
18 jeopardy of losing my license, my
19 driver's license, because it
20 doesn't affect points. But if I
21 sell to -- if I allegedly sell to a
22 minor, I get shut down for two
23 weeks. Okay. That's the
24 difference. That metaphor is bad.

1 COUNCILWOMAN AHMAD:

2 Well, I hear you. Listen, speeding
3 can kill. Tobacco-selling can
4 kill, both of them. So red light
5 analogy holds. Thank you so much
6 for your testimony. We'll be in
7 touch.

8 MR. ROSARIO: Thank you.
9 Have a great day.

10 COUNCILWOMAN AHMAD: If
11 the Clerk would call the next
12 witness up please.

13 THE CLERK: Yeah.
14 Miguelina Espinal and Benito Bravo.

15 (No response.)

16 COUNCILWOMAN AHMAD:
17 Next -- are you here, Miguelina?

18 THE CLERK: Margarita --

19 COUNCILWOMAN AHMAD: No,
20 they're here, the first one. Can
21 you repeat the first set of names
22 you said.

23 THE CLERK: Miguelina
24 and Benito.

1 (Witness approached
2 Witness table.)

3 COUNCILWOMAN AHMAD:

4 Please state your name and begin
5 your testimony.

6 MS. ESPINAL: (Spanish
7 translation).

8 INTERPRETER: Good
9 afternoon. My name is Miguelina
10 Espinal.

11 MS. ESPINAL: (Spanish
12 translation).

13 INTERPRETER: My store
14 is located at 901 South 58th
15 Street, Cobbs Creek. It's 19143.

16 MS. ESPINAL: (Spanish
17 translation).

18 INTERPRETER: I have
19 more than 10 years working at Cobbs
20 Creek Community and --

21 COUNCIL SUPPORT: Speak
22 into the microphone please.

23 COUNCILWOMAN AHMAD:

24 Speak into the microphone.

1 INTERPRETER: This one
2 is -- okay. It's on already.
3 Thank you. I've been in the
4 community for 10 years working with
5 Cobbs Creek.

6 MS. ESPINAL: (Spanish
7 translation).

8 INTERPRETER: I have
9 been working in my store for that
10 long and I have my license. Thank
11 you that I asked everyone for an
12 ID.

13 MS. ESPINAL: (Spanish
14 translation).

15 INTERPRETER: I have
16 been having a situation from five
17 or six years ago. After they
18 applied the law in 2016, City
19 changed. The business of selling
20 of counterfeit tobacco products
21 increment in the city.

22 MS. ESPINAL: (Spanish
23 translation).

24 INTERPRETER: Those

1 irregular stores, they don't ask
2 for ID to the children. They are
3 located in my neighborhood because
4 we are a low-income neighborhood.
5 Even in front of school, if they
6 are a store that open 24 hours and
7 is selling to everyone. They don't
8 care.

9 MS. ESPINAL: (Spanish
10 translation).

11 INTERPRETER: I'm
12 worried about it. I'm worried
13 about the situation. I am a
14 mother. I have children. And
15 would like for the City to regulate
16 those store as they regulate us. I
17 pay taxes. I have all my licenses
18 and I do all I have to do. But
19 they are over there. Every corner
20 is one of them.

21 MS. ESPINAL: (Spanish
22 translation).

23 INTERPRETER: I
24 understand that the City has earned

1 less money, but we also have. So
2 those stores are not regulated.
3 They have no inspections and they
4 operate overnight and they use the
5 children, can go to the store
6 anytime. We are regulated. We do
7 what the City asks us to do and we
8 pay our taxes.

9 MS. ESPINAL: (Spanish
10 translation).

11 INTERPRETER: So I would
12 like for the City to inspect those
13 stores like the Africans, the other
14 nations, also Dominicans, but all
15 the convenience stores they don't
16 have the adequate license. So just
17 inspect them. And if they have
18 this regular license, it's okay.
19 So I make this comment because my
20 clientele they are asking me, why
21 are you asking for ID if the other
22 store are not asking for ID.

23 COUNCILWOMAN AHMAD:

24 Listen, thank you very much. We

1 have a time limit, but I hear you.
2 That's why we asked the Health
3 Department how many unlicensed
4 stores are there. We are going to
5 look at that.

6 As you know, we have not
7 enough police and not enough L&I,
8 Licenses and Inspections, people to
9 go and look at all these criminal
10 activities, and the Health
11 Department doesn't have enough
12 resources who are supposed to go
13 monitor. But we hear you that
14 you're doing the right thing and
15 you make sure your business is
16 doing the right thing. And we hear
17 you.

18 But there are businesses
19 who got their license, who are not
20 doing the right thing so that's why
21 we want to make sure everybody's
22 doing the right thing. And we have
23 to go after those who are
24 completely unlicensed, the

1 smokeshops that pop up. We are
2 aware of that problem.

3 INTERPRETER: (Spanish
4 translation).

5 MS. ESPINAL: Gracias.

6 COUNCILWOMAN AHMAD:
7 Gracias.

8 Will the Clerk call the
9 next witness.

10 THE CLERK: Margarita
11 Collado.

12 (No response.)

13 COUNCILWOMAN AHMAD:
14 Next.

15 THE CLERK: Leo Sanchez.

16 (Witness approached
17 Witness table.)

18 COUNCILWOMAN AHMAD:
19 Please state your name and begin
20 your testimony please.

21 MR. SANCHEZ: My name is
22 Leonardo Sanchez. (Spanish
23 translation).

24 INTERPRETER: I have

1 been working this for 24 years and
2 during 23 years of those I had
3 license. I received those two
4 fines. I talked to my accountant
5 person and he said pay them. I did
6 pay them and then I received my
7 license back, but not my permit.

8 I have always followed
9 the rules. I have always asked for
10 an ID. I had 23 years having a
11 license. But then one day an
12 inspector show up late afternoon.
13 So the inspector came at 7:00 p.m.
14 and she said, you sold cigarettes
15 to a minor.

16 And I asked her, okay,
17 when, when I did it? I can show
18 you the camera. And she said, no,
19 you have your summons, here's your
20 ticket, and left. That customer
21 bought something at the gas
22 station. She saw that he has the
23 product in his hand and she said
24 that I sold it to him. Thank you.

1 COUNCILWOMAN AHMAD:

2 Well, thank you. So again, like
3 that other person who was found to
4 be not having sold but was
5 ticketed, I would like to get your
6 information so we can follow up
7 with the Health Department to see
8 how the investigation was done,
9 because they're supposed to --
10 before issuing the ticket, they're
11 supposed to verify and I want to
12 understand that process. So we'd
13 like to make sure we -- I think we
14 have your information. We'll
15 follow up with you on that and with
16 the Health Department.

17 INTERPRETER: (Spanish
18 translation).

19 MR. SANCHEZ: Gracias.

20 COUNCILWOMAN AHMAD:

21 Gracias.

22 If you would call the
23 next witness please.

24 THE CLERK: Rolfin

1 Rodriguez and Renny Mezquita.

2 (Witness approached
3 Witness table.)

4 COUNCILWOMAN AHMAD:

5 Please state your name and begin
6 your testimony.

7 MR. RODRIGUEZ: (Spanish
8 translation).

9 INTERPRETER: My name is
10 Rolfin Rodriguez. I'm the owner of
11 A&J Mini Market.

12 If the interpreter can
13 ask the panel, I can read the
14 statement that they have so it will
15 be easier and shorter. (Spanish
16 translation).

17 I want to express my
18 disagreement with the new
19 legislation, as I believe the City
20 is imposing overly drastic measures
21 on a small business. As the owner
22 of a business that serves our
23 community, I witness firsthand the
24 challenge we face daily, especially

1 after the pandemic. We have not
2 yet fully recovered from the
3 financial losses we suffered during
4 that time. And now, we are facing
5 new regulations that threaten our
6 financial stability.

7 I understand and support
8 the importance of preventing the
9 sale of tobacco to minors, as it is
10 a crime that should be penalized.
11 However, fines being imposed are
12 excessive and do not take into
13 account the economy reality of
14 small business owners.

15 Currently, the minimum
16 fine is 250 already present a heavy
17 burden on business like mine, which
18 operate on very light profit
19 margins. If these penalties
20 increase or become stricter, many
21 small business will not be able to
22 stay open. Bodegas and small
23 business play a fundamental role in
24 our communities. We don't just

1 sell products. We provide an
2 essential service to those who, for
3 various reasons, cannot travel to
4 large supermarkets.

5 Many of our customers
6 are already elderly people,
7 low-income families or workers who
8 rely on the proximity and
9 accessibility of our
10 establishments. If the authorities
11 continue imposing regulations
12 without consideration their impact
13 on a small business, we will be
14 forced to close our doors,
15 affecting both business and
16 ordinance and the communities as a
17 whole.

18 We ask these penalties
19 to be reconsidered and that more
20 equality solutions are explored,
21 such as educational programs for
22 owners business, warning before
23 using fines and penalties that are
24 proportional to the severity of the

1 violation.

2 Small businesses are the
3 backbone of many communities and we
4 need to support the authorities to
5 continue operating. We are not
6 asking for the regulation to be
7 removed, but rather for them to be
8 implemented as they are reasonable
9 way without engaging the livelihood
10 of hundreds of hardworking business
11 owners who dedicate himself daily
12 to serving the neighborhoods.

13 We appreciate that our
14 concerns are being heard and hope
15 that measures will be taken as long
16 as to move forward without harming
17 the economy of those with effort
18 and education to keep our business
19 alive.

20 COUNCILWOMAN AHMAD:

21 Thank you very much for your
22 testimony. I hear you. We want
23 our small businesses to thrive.
24 All we're asking, just like my

1 colleague Councilmember Cindy Bass
2 said, card everybody, no fine, no
3 fine if you don't sell to minors.

4 INTERPRETER: (Spanish
5 translation).

6 MR. RODRIGUEZ: (Spanish
7 translation).

8 INTERPRETER: Can I ask
9 you a question?

10 MR. RODRIGUEZ: (Spanish
11 translation).

12 INTERPRETER: So what
13 happens with an adult that
14 purchases cigarettes for a minor?
15 They can purchase for them in the
16 store and they go outside and give
17 it to them maybe a block later or
18 outside?

19 COUNCILWOMAN AHMAD:
20 Yeah, you should not be ticketed
21 for that. If an adult does that,
22 that's an adult problem. That's
23 their problem, not yours. Totally
24 understand, yeah.

1 INTERPRETER: (Spanish
2 translation).

3 MR. RODRIGUEZ: Gracias.

4 COUNCILWOMAN AHMAD:
5 Absolutely. Thank you for your
6 testimony.

7 We have our last
8 witness.

9 INTERPRETER: (Spanish
10 translation).

11 THE CLERK: Actually we
12 have two. Renny Mezquita.

13 (Witness approached
14 Witness table.)

15 COUNCILWOMAN AHMAD:
16 Please state your name and begin
17 your testimony.

18 MR. MEZQUITA: (Spanish
19 translation).

20 INTERPRETER: My name is
21 Renny Mezquita, owner of Banner
22 Street Food Market, Inc., and I am
23 proud to be a bodega owner. I want
24 to express my strong disagreement

1 with the new legislation, as I
2 believe the City of Philadelphia is
3 unfairly targeting small business
4 owners like us.

5 Lately, all we have
6 received are fines and constant
7 inspections from officials who do
8 not recognize the hard work we put
9 in every day. Bodegas are
10 essential business for our
11 community. We open our doors more
12 than 14 hours a day providing
13 essential products, services to our
14 neighborhood.

15 We pay taxes, create
16 jobs and, most importantly, we have
17 established our business in areas
18 where no one else was willing to
19 invest due to high crime rates.
20 Thanks to our presence and
21 commitment, many of those areas are
22 now safer. Bodegas are the heart
23 of our neighborhood.

24 Every morning our

1 community gathers in our store for
2 coffee, breakfast or to prepare
3 their children before they go to
4 school. We don't just sell
5 products. We contribute to the
6 well-being of our neighborhood and
7 community life.

8 As a small business
9 owner, we demand that. We demand
10 to be treated fairly with respect.
11 We do not ask gain regulations, but
12 we need them to be fair and
13 acknowledge the vital role we play
14 in the city. We urge the authority
15 to recognize our hard work and
16 reconsider these measures that only
17 harm us instead of supporting us.

18 COUNCILWOMAN AHMAD:
19 Thank you for your testimony. And
20 I'll just say it again that this
21 is -- and I told one of your
22 colleagues that this is like the
23 red light camera on Roosevelt
24 Boulevard. It makes you slow down.

1 This fine is to make you think and
2 make sure you card everybody.

3 If there are issues that
4 you didn't sell to minors, those
5 are things we must pay attention
6 and improve the process. But this
7 increase is for helping protect our
8 children. When they ingest this --
9 inhale the vaping product, it hurts
10 their lungs forever. We can't fix
11 it.

12 So I want all of us in
13 our community to take
14 responsibility and say we will make
15 sure we are not selling to minors.
16 That's all. You don't sell to
17 minors, no fine.

18 INTERPRETER: (Spanish
19 translation).

20 MR. MEZQUITA: (Spanish
21 translation).

22 INTERPRETER: A
23 question?

24 COUNCILWOMAN AHMAD:

1 Yes. Go ahead.

2 MR. MEZQUITA: (Spanish
3 translation).

4 COUNCILWOMAN AHMAD: I
5 agree with the fine, but take us in
6 on consideration.

7 COUNCILWOMAN AHMAD: I
8 hear you. I hear you. And we've
9 already have an amendment to reduce
10 it, so it's not 5000. It's 2.

11 INTERPRETER: (Spanish
12 translation).

13 MR. MEZQUITA: Gracias.

14 COUNCILWOMAN AHMAD:
15 Gracias.

16 Call up the last
17 witness. Juli -- where did Julian
18 go?

19 (Witness approached
20 Witness table.)

21 COUNCILWOMAN AHMAD: Oh,
22 okay. She's here. Please state
23 your name and begin your testimony.

24 MS. ARIAS: Hi. Good

1 afternoon. My name is Delfina
2 Arias. I want to express myself.
3 I want to express my strong
4 disagreement with the new
5 legislation as I believe that the
6 City of Philadelphia is unfairly
7 targeting bodegas, while turning a
8 blind eye to the largest business
9 that commits similar violations.

10 And when I said that,
11 I'm talking about big
12 establishments like supermarkets.
13 Because the bill that you guys
14 passed I think was in 2015 or '16,
15 they take the license away from a
16 lot of us, especially the new
17 owners, not just the old ones.

18 When you buy a business,
19 you're not allowed to have a
20 cigarette license, but we're still
21 paying for the state license. So
22 it's no way that we're being teach
23 because we didn't receive any
24 letter or anything to each store

1 saying that you're not allowed to
2 use the state license while you
3 don't have the city license.

4 And I bring that point
5 because my I work with my father.
6 And as a grocery store owner, the
7 City was like four years they
8 didn't go to inspect the store, but
9 the state usually go every year.
10 So the first year they go, they saw
11 cigarettes and they put a fine to
12 my dad for the cigarettes. But
13 they never told us to remove the
14 wraps, which is including tobacco
15 retail license.

16 And the City came this
17 year and they closed us down 48
18 hours because we have a ticket from
19 2021, which I think was unfair.
20 Because if you don't have the
21 amount of people to do the job but
22 they supposed to do, we don't have
23 to pay for that. And especially,
24 they do random inspections. They

1 go during hours when we are
2 crowded.

3 Like, how you expect the
4 fridge to be in the right
5 temperature when you go 11:30 or
6 12:00 or 1 o'clock in the morning
7 when it's the rush hour. No fridge
8 is going to have the exact
9 temperature. So she marked that
10 down in the report. And normally
11 that's what they do. They go in
12 the hours and they check the
13 temperatures. What is -- it
14 doesn't make any sense to me.

15 COUNCILWOMAN AHMAD: So
16 you're talking about other issues,
17 not about selling to minors?

18 MS. ARIAS: Yeah. I'm
19 going to --

20 COUNCILWOMAN AHMAD: I
21 hear you that there's some other
22 things we need to address, but
23 right now I'm just trying to focus
24 on making sure our retail

1 establishments card everybody and
2 not sell tobacco products to minor.

3 But I hear you about the
4 other things you mentioned, and we
5 are happy to follow up with you to
6 make sure that you're being treated
7 fairly. We can have a conversation
8 with the Health Department with you
9 about the other issues.

10 But I'm just wanting to
11 make sure everybody here
12 understands I am talking about a
13 bill that will say it will be a
14 fine if you sell to minors.
15 There's a first, second and third
16 time. We're giving three chances
17 for people to not do this. And I
18 am asking all of you, all of you,
19 to participate with us to protect
20 our children. That's all this is
21 about.

22 MS. ARIAS: Yeah, we do
23 and I agree with that.

24 COUNCILWOMAN AHMAD: I

1 appreciate you understand that, and
2 that is what this is about. And if
3 you have other issues, please get
4 in touch with my office. We are
5 happy to follow up on these other
6 things you mentioned.

7 Sometimes this is why
8 we're having a hearing. When you
9 put out some rules, sometimes the
10 rules look fine for us but not for
11 people who will feel it, right.
12 That's why we're doing this, to
13 hear from you. And that's why I'm
14 going to recess this meeting, meet
15 with all of you and the Health
16 Department and then vote on this.
17 So I'm listening to you.

18 MS. ARIAS: Yeah. My
19 question is like because, um --

20 COUNCILWOMAN AHMAD:
21 Councilmember Bass.

22 MS. ARIAS: Yes. When
23 she asked the Department of Health
24 that he says that the numbers

1 changed. She said, no, it's not
2 change. So why having the law
3 stopping us for getting a license
4 and we're doing the right thing. I
5 don't say everybody. Probably any
6 other (inaudible) the law.

7 But my question is you
8 mentioned the red light. You put
9 in that as an example. But I think
10 since 2025 the fine for a red light
11 is \$100. They don't increase the
12 fine so high extremely. They
13 probably put it \$100 more if
14 they're going to increase it.

15 And you don't see a
16 person transpass the red light,
17 going to do -- they don't make them
18 go to do community service like in
19 a hospital, seeing what can cost
20 when you pass red light.

21 COUNCILWOMAN AHMAD: So
22 the red light analogy is about
23 slowing people down, right. Having
24 red light has proven that it slows

1 people down. That's what we're
2 trying to do with this bill, is
3 slow people down to do the right
4 thing.

5 And in a red light
6 situation if you kill someone, it's
7 a lot of problem, right. And same
8 thing here, you're slowly killing
9 children because their lungs are at
10 risk. So we do not want our
11 children to be exposed to this and
12 that's why we need to work together
13 to stop it.

14 If people follow the
15 law, there's no fine. No one is
16 going to do any fines. And if
17 there's some problems with it,
18 we're happy to look into it. If
19 somebody has unfairly been
20 targeted, all of those we are happy
21 to address.

22 But the issue is that we
23 need a deterrent for people who are
24 selling products to minors to stop

1 it. That's all. That's all this
2 is. Thank you for your testimony
3 and we're going to convene again
4 with all of you so we can have more
5 conversation.

6 MS. ARIAS: One more
7 thing. And we have the reunion
8 with the Department of Tobacco.
9 And she practically didn't have any
10 answer for us because she was
11 taking notes. And like, you said,
12 that's the best idea to have a
13 reunion with you guys and with the
14 Department of Health.

15 It's a lot of
16 misinformation. Because you guys
17 says one thing, they said another
18 thing and you guys don't get each
19 other, like, together on that and
20 we're paying the price. I don't
21 agree with the fine. I'm okay with
22 the one that is right now, but I
23 don't agree with the fine because
24 if all my colleagues giving

1 complaints with the tickets that
2 sometimes they get it the wrong
3 time, like when people go and buy a
4 tobacco before, they used to give
5 them the fine right there in the
6 exact moment.

7 Like they say, she came
8 and she sell a minor. So the
9 inspector come right after them and
10 give you the ticket. So I don't
11 know why they don't still do it the
12 same way, and they wait like three
13 months. So it's no way --

14 COUNCILWOMAN AHMAD: We
15 will look into that. I heard that
16 very clearly from everybody that
17 that's a problem.

18 MS. ARIAS: My point is
19 that if they're doing a lot of
20 irregularities with these tickets,
21 imagine if you increase their fine
22 to 1000, 2000, what's going to
23 happen to us? We're going to pay
24 the price and the tobacco company

1 won't pay at all?

2 COUNCILWOMAN AHMAD: So we'll
3 make sure that it is done fairly, it is
4 done equitably and we are going to make
5 sure that that happens. And that's why
6 we're going to have this meeting before
7 we move on things. All right. So we
8 heard you. Thank you very much.
9 Gracias.

10 Can the Clerk call any further
11 witnesses.

12 THE CLERK: There are no more
13 further speakers on the list.

14 COUNCILWOMAN AHMAD: Okay.
15 Thank you. So I would like to thank all
16 of our witnesses for joining us today.
17 Very important information was shared and
18 that is going to determine our path
19 forward.

20 We will now recess this
21 meeting and we will not vote on this bill
22 to pass it out of Committee as of yet.
23 But we will reconvene at another point
24 after I have had a chance to meet with

1 all of you, hear more from you and talk
2 to the Health Department to move forward.

3 So I want to now go into
4 recess, and thank you all again. Thank
5 you, colleagues, for sitting through and
6 hearing all this important testimony.

7 COUNCILWOMAN LOZADA: Thank
8 you.

9 (Committee on Public Health
10 and Human Services concluded at
11 1:40 p.m.)

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1 C E R T I F I C A T I O N

2 I, hereby certify that the proceedings
3 and evidence noted are contained fully and
4 accurately in the stenographic notes taken by
5 me in the foregoing matter, and that this is a
6 correct transcript of the same.
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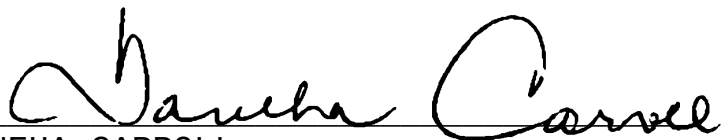
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A handwritten signature in black ink, reading "Taneha Carroll". The signature is fluid and cursive, with the first name "Taneha" and the last name "Carroll" clearly distinguishable.

TANEHA CARROLL
Court Reporter - Notary Public

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