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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON LICENSES AND INSPECTIONS

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, October 26, 2006
1:10 p.m.

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PRESENT:

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COUNCILWOMAN JOAN L. KRAJEWSKI, CHAIR

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COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN JACK KELLY

13

COUNCILMAN BRIAN J. O'NEILL

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN FRANK RIZZO

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BILL 060345 - An ordinance amending Chapter

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9-600 of The Philadelphia Code, entitled

16

"Service Businesses," to add new provisions to

prohibit the sale, from certain retail

establishments, of "blunts," "loosies,"

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cigarette papers, cigars, and other items that

may be otherwise legal but that are commonly

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used as drug paraphernalia, under certain

terms and conditions.

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COUNCILWOMAN KRAJEWSKI: Good afternoon. The Committee on License and Inspection is now session.

Do we have someone here from the Administration to testify?

Oh, I'm sorry. A little ahead of myself.

Will the Clerk please read the bill.

THE CLERK: Bill No. 060345, an ordinance amending Chapter 9-600 of The Philadelphia Code, entitled "Service Businesses," to add new provisions to prohibit the sale, from certain retail establishments, of "blunts," "loosies," cigarette papers, cigars and other items that may be otherwise legal but that are commonly used as drug paraphernalia, all under certain terms and conditions.

COUNCILWOMAN KRAJEWSKI: Thank you.

Good afternoon.

MR. HAIGLER: Good afternoon.

Good day, Councilwoman Krajewski and

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2 members of the Committee. I am Otis
3 Haigler, Jr., Director of Legislative
4 Affairs for the Department of Licenses
5 and Inspections. Today I am here to
6 provide testimony on Bill 060345, which,
7 if enacted, will prohibit the sale of
8 certain products that have the potential
9 to be used in conjunction with illegal
10 drug activity.

11 As a Department whose mission
12 is to enforce laws that protect the
13 public from matters that adversely affect
14 safety and the quality of life in
15 neighborhoods within our City, we offer
16 no objections to the enactment of any
17 legislation or any ordinance that is
18 geared toward fulfilling the
19 aforementioned objectives. The goals and
20 objectives of Bill 060345 are commendable
21 and should this bill pass in Council and
22 is enacted into law, the Department will
23 enforce its provisions.

24 The proposed bill does have
25 precedence to other local legislation

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2 that have been enacted in the past to ban
3 the sale of certain products to the
4 public in general and minors
5 specifically. The enacted legislation I
6 refer to include bans on the sale of
7 pocket bikes and tobacco products.

8 In the past, we have had much
9 success with the enforcement of laws
10 related to the sale of tobacco products
11 to minors by working in cooperation with
12 the organization TEACH -- that's the
13 Tobacco Free Education and Action
14 Coalition for Health -- which employs the
15 use of young people to purchase tobacco
16 products from retailers. Once purchases
17 have been made, TEACH makes the necessary
18 referral to the Department surrounding
19 the purchase for our enforcement action.
20 As prescribed by the penalties of Section
21 9-622 of The Philadelphia Code, we are
22 empowered to issue tickets in the amount
23 of \$100 to violators found to have sold
24 tobacco products to minors. The issuance
25 of tickets result from our own

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2 investigation of the retail establishment
3 subsequent to the referrals from TEACH.

4 Also, on occasion, and when
5 warranted due to repeated violations of
6 the tobacco sales ban to minors, we have
7 employed the use of additional
8 enforcement powers under our authority,
9 which involves the issuance of Intent to
10 Cease letters to the owners of retail
11 establishments providing notice that
12 further violations will result in the
13 issuance and posting of a Cease Operation
14 Notice on such establishment. If or when
15 a Cease Operation Notice has been issued
16 to the owner or posted on the
17 establishment, it effectively shuts down
18 the establishment until the matter is
19 adjudicated in court before a judge.

20 Should Bill 060345 pass in
21 Council and is signed into law by the
22 Mayor, the Department will use similar
23 methods as outlined above to enforce its
24 provisions.

25 Thank you for the opportunity

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2 to provide the Department's testimony on
3 this bill, and I'll be happy to answer
4 any questions at this time.

5 COUNCILWOMAN KRAJEWSKI: Thank
6 you.

7 Before we begin, I would just
8 like to acknowledge Councilman Rizzo,
9 Councilman Kelly. To my right is
10 Councilman Clarke, and Councilwoman Verna
11 has appointed Councilman O'Neill to this
12 Committee. Thank you very much.

13 Are there any questions from
14 members of the Committee?

15 (No response.)

16 COUNCILWOMAN KRAJEWSKI: Seeing
17 none, thank you.

18 MR. HAIGLER: Thank you.

19 COUNCILWOMAN KRAJEWSKI: Is
20 there someone else here from the
21 Administration to testify?

22 I believe Mike Erdos, is he
23 here from the District Attorney's office?

24 MR. ERDOS: Yes, I am.

25 COUNCILWOMAN KRAJEWSKI: Will

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2 you please take the chair.

3 Excuse me, sir. Are you from
4 the Administration?

5 MR. LAMB: Yes, ma'am, I am.

6 COUNCILWOMAN KRAJEWSKI: Oh,
7 okay.

8 Mike, would you wait.

9 Go ahead. Please state your
10 name for the record.

11 MR. LAMB: Good afternoon,
12 Councilwoman Krajewski, members of the
13 Council for License and Inspection. My
14 name is Roland Lamb. I'm the Director of
15 Addiction Services for the Department of
16 Behavioral Health and Mental Retardation
17 Services. I'm here to support passage of
18 the bill that restricts the availability
19 of paraphernalia and other items that
20 contribute to drug-taking behaviors and
21 other unhealthy practices.

22 Since 1993, residents of our
23 City, particularly young people, have
24 been purchasing loose cigars. Loose
25 cigars are preferred because of the low

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2 cost. Young people did not have enough
3 money to buy a package of four, five or
4 six cigars for tobacco from a corner
5 grocery store or restaurant.

6 Upon acquiring a cigar, they
7 usually slice it open, remove the
8 tobacco, and then the remaining outer
9 leaf wrapper is refilled with marijuana.
10 This item, known as a "blunt," contains
11 larger amounts of marijuana than
12 previously were smoked in cigarette-sized
13 joints. The originally preferred brands
14 for making these blunts were Phillie's,
15 White Owl, Dutch Master's and
16 Garcia-Y-Vega, whose manufacturers have
17 witnessed vastly increased profits ever
18 since.

19 At present, nearly every brand
20 is utilized for blunt making. Cigars are
21 favored by drug users because of their
22 size, more marijuana can be loaded into
23 it, and the fact that the outer leaf
24 holds together well and can withstand the
25 necessary manipulation of blunt making.

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2 Most of the blunt users were
3 and still are among our young people.
4 These people often found the flavor of
5 the cigars distasteful and began to dip
6 the blunts in various substances to
7 improve the taste; i.e., honey or cognac.
8 When the cigar companies learned of this
9 practice, they began manufacturing
10 flavored cigars, such as strawberry,
11 vanilla, honey, chocolate and cognac, to
12 name a few, in order to further enhance
13 the attractiveness of their products to
14 blunt smokers.

15 Although marijuana is generally
16 considered an entry-level drug, blunts
17 continue to be smoked with other
18 additives, including crack cocaine,
19 cocaine powder and/or PCP. Thus, the
20 user's impairment due to increased
21 amounts of drugs is exacerbated.

22 Blunt users also commonly
23 ingest beer, wine coolers, whiskey,
24 Alprazolam, Xanax or Diazepam, Valium
25 along with the blunt. Less commonly,

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2 blunt smokers use vodka, barbiturates,
3 oxycodone, cough syrup and/or
4 methamphetamines.

5 Following cocaine and alcohol,
6 marijuana was the third most frequently
7 mentioned drug of abuse at admission here
8 in Philadelphia in the treatment programs
9 in 2005. Eighty-three percent of people
10 admitted to treatment were males who were
11 more likely to smoke blunts than are
12 females. Additionally, 44 percent of
13 drug positive urinalysis tests conducted
14 by the Adult Probation and Parole
15 Department in 2005 were positive for
16 marijuana, the highest amount on
17 Probation and Parole's data.

18 The Department of Behavioral
19 Health conducts focus groups to go out
20 each year with people who are new to
21 treatment. These groups and outreach
22 workers continue to report that marijuana
23 used by means of blunt smoking is
24 widespread throughout Philadelphia.

25 We in the Department of

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2 Behavioral Health deal with consequences
3 of the drug-using behaviors on a daily
4 basis and strongly encourage restricting
5 access to items such as loose cigars that
6 contribute to increased drug use. We
7 also support restricting the sale of
8 loose cigarettes particularly to youth.

9 Numerous health studies over
10 the last 40 years have shown the harmful
11 effects of cigarette smoking. The
12 consequences of tobacco smoking are well
13 known. The fact remains that if either a
14 drug user or cigarette smoker, often the
15 same person, either refrains from using
16 or delays the inception of use, his or
17 her negative consequences will be less
18 severe and less costly to society with
19 respect to healthcare and behavioral
20 health treatment.

21 Again, I ask that you seriously
22 consider the impact on the physical and
23 behavioral health of Philadelphians and
24 pass this important bill.

25 I'm open to your questions.

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2 COUNCILWOMAN KRAJEWSKI: Thank
3 you very much.

4 Are there any questions from
5 members of the Committee?

6 (No response.)

7 COUNCILWOMAN KRAJEWSKI: Thank
8 you very much.

9 MR. LAMB: Thank you.

10 COUNCILWOMAN KRAJEWSKI: Mike.

11 MR. ERDOS: Good afternoon,
12 Councilwoman Krajewski, members of
13 Council. My name is Michael Erdos and
14 I'm Chief of the Public Nuisance Task
15 Force of the District Attorney's office.
16 I'm here today representing District
17 Attorney Lynne Abraham who cannot be here
18 because of a prior commitment. I thank
19 you for allowing me to appear before you
20 and voice her support for Bill 060345
21 dealing with drug paraphernalia.

22 The Public Nuisance Task Force
23 has shut down more than 2,000 nuisance
24 properties over the last decade,
25 including drug houses, alcohol

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2 establishments and houses of
3 prostitution. In our experience, retail
4 stores that sell rolling paper, blunts,
5 small Ziplock packets, rose vials and
6 similar items are among the most
7 difficult for law enforcement to deal
8 with. In large part, this is because it
9 is currently not illegal, per se, to sell
10 these items. In order to arrest store
11 owners or employees or go after the
12 property through drug forfeiture, we have
13 to demonstrate a specific intent by these
14 individuals to sell their wares for
15 drug-related purposes. It has been
16 difficult to demonstrate this intent to
17 the Court's satisfaction. In addition,
18 many of the establishments selling these
19 items do not possess a liquor license
20 and, therefore, we often cannot look to
21 the Liquor Code for a remedy.

22 We firmly believe, however,
23 that the items targeted by the bill under
24 your consideration are typically sold by
25 store owners well aware that they will be

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2 used to store, transport and/or ingest
3 illegal drugs. We have received
4 complaints over the years about many such
5 establishments.

6 Purchasers of drug
7 paraphernalia often loiter outside of
8 these stores at all hours of the day and
9 night and use drugs in close proximity.
10 Many of these stores are located in
11 neighborhoods already subjected to high
12 levels of crime and violence. These
13 establishments only contribute to the
14 sense of lawlessness in the streets and
15 to the hopelessness that can pervade a
16 neighborhood's collective psyche.

17 Perhaps most troubling of all
18 is that the provision of drug
19 paraphernalia allows the demand for and,
20 thus, the supply of drugs to flourish.
21 It becomes easier for our children to
22 access and use drugs and to become our
23 next generation of addicts, and as we
24 have seen time and time again over the
25 years, every drug deal is another

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2 homicide or shooting waiting to happen.

3 Bill 060345 laudably attempts
4 to secure an important victory in our war
5 against drugs by outlawing the provision
6 of certain items commonly used as drug
7 paraphernalia and by making it easier to
8 show that the provision of certain other
9 items is for drug-related purposes. It
10 provides the City with another mechanism
11 by which they can revoke the business
12 privilege license of a nuisance
13 establishment. In turn, this will give
14 the Public Nuisance Task Force an
15 additional tool to utilize when dealing
16 with communities and addressing nuisance
17 properties.

18 We are living in an age where
19 we must do everything within our power to
20 curb the illegal use and sale of
21 narcotics. Accordingly, this bill is
22 promising. It should improve our quality
23 of life, make us safer, help protect our
24 youth and send the message that retail
25 stores may not profit off the backs of

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2 drug users. As such, the District
3 Attorney wholeheartedly supports this
4 bill and urges Council to pass this
5 public safety measure.

6 Thank you.

7 COUNCILWOMAN KRAJEWSKI: Thank
8 you very much.

9 Are there any questions from
10 members of the Committee?

11 Councilman O'Neill.

12 COUNCILMAN O'NEILL: No.
13 Councilman Clarke has a question.

14 COUNCILWOMAN KRAJEWSKI:
15 Councilman Clarke.

16 COUNCILMAN CLARKE: Thank you,
17 Madam Chair.

18 I want to ask a question, but I
19 don't know. Mr. Haigler may be the
20 person to answer this.

21 Years ago when we had a problem
22 with graffiti -- and it's actually back
23 again -- one of the things that we did --
24 and I don't know if we did it from a
25 regulatory standpoint or there was an

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2 ordinance -- we required the placement of
3 the paint, spray paint, had to be behind
4 the counter out of sight and people were
5 required to show ID, show a legitimate
6 basis as to why they were purchasing
7 spray paint. And I guess my question is,
8 although tobacco is regulated, to a large
9 degree, by the federal legislation, can
10 we similarly place the restriction on the
11 placement of these tobacco products in a
12 store?

13 As an example -- and I'm
14 thinking of a few stores right now in my
15 district. As soon as you walk in the
16 door -- and these are the stores that
17 traditionally have the glass partition
18 and they have a little section there
19 where you can kind of take the money and
20 give out the product, but pressed up
21 against this glass you see every
22 imaginable product of blunts and Phillie
23 blunts and every other kind of blunts and
24 all the other things associated with
25 illegal drug use.

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2 I guess the question is, can we
3 regulate the placement of those
4 particular items similar to the way that
5 we regulated the placement of spray
6 paint?

7 MR. HAIGLER: Councilman, yes,
8 you can. I believe we currently do have
9 a section of the Code in place that
10 regulates tobacco, tobacco sale products
11 under 9, I believe, 622 of The
12 Philadelphia Code, and currently it's
13 regulated to the extent that where you
14 used to be able to go walk up and down
15 the aisles to purchase cigars, tobacco
16 products, now it has to be behind the
17 counter. It has to be sold --

18 COUNCILMAN CLARKE: Well, it
19 has to be behind glass, but it's very
20 visible. I mean, it's like literally
21 this is the glass, they got the product
22 up against the glass. That's the first
23 thing you see when you walk in the store.
24 So, I mean, anybody that has half a brain
25 understands that they're promoting the

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2 use of these products.

3 My question is, can we further
4 restrict the placement or regulate the
5 placement so it's not even visible?

6 MR. HAIGLER: Not even visible?

7 COUNCILMAN CLARKE: Correct.

8 MR. HAIGLER: I'm not an
9 attorney, but I would say that you
10 probably can, but I would have to confer
11 with a City attorney to find out in fact
12 if that is possible. Me personally, I
13 would think that you probably can do
14 that.

15 COUNCILMAN CLARKE: Can you get
16 a ruling on that from the Solicitor's
17 office?

18 MR. HAIGLER: I sure will.

19 COUNCILMAN CLARKE: Thank you.

20 Thank you, Madam Chair.

21 COUNCILWOMAN KRAJEWSKI: Thank
22 you, Councilman.

23 Councilman O'Neill.

24 COUNCILMAN O'NEILL: Yes, Madam
25 Chair. At this time, I'd just like to

21 I'd like to acknowledge that
22 Councilwoman Blondell Reynolds Brown is
23 here as well.

24 Are there any other questions
25 from members of the Committee?

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2 (No response.)

3 COUNCILWOMAN KRAJEWSKI: Thank
4 you, gentlemen.

5 MR. ERDOS: Thank you very
6 much.

7 THE CLERK: Our next witness,
8 Detective Jerry Rocks.

9 COUNCILWOMAN KRAJEWSKI: Good
10 afternoon.

11 DETECTIVE ROCKS: Good
12 afternoon, Council. I'd like to thank
13 you for having this hearing so we can be
14 heard on this important bill.

15 COUNCILWOMAN KRAJEWSKI: Would
16 you please state your name for the
17 record.

18 DETECTIVE ROCKS: Yes. My name
19 is Jerry Rocks, Sr.

20 My name is Jerry Rocks. I'm a
21 36-year veteran detective presently
22 assigned to the Philadelphia District
23 Attorney's office. I'm also the Director
24 of an anti-drug group called Not in My
25 Neighborhood. The purpose of our group

13 The other way we're fighting
14 against drug paraphernalia is, we're
15 going after stores that are selling it in
16 our neighborhoods, near our schools and
17 around our kids. One of the stores we
18 are going after is Sunoco A-Plus Markets.
19 Sunoco sells 20 flavors of blunts, ten
20 flavors of blunt wraps and ten types of
21 rolling papers.

22 Another store is Wawa Markets.
23 Wawa sells over 20 different types and
24 flavors of blunts and recently added a
25 new line of flavored blunts, Game brand.

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2 These blunts are used by kids to smoke
3 marijuana.

4 Blunts come in many popular
5 flavors. They've been made available in
6 more than 30 different ones, including
7 banana, chocolate, creme de mint,
8 watermelon, blueberry, sour apple,
9 vanilla and so on. After these flavored
10 blunts are purchased, they're cut open,
11 the tobacco is removed and replaced with
12 marijuana and smoked. Sometimes the
13 blunts are laced with additives such as
14 cocaine, LSD and PCP. A marijuana-filled
15 blunt is as strong as four joints.
16 Flavored blunts are mainly used by
17 teenagers to smoke marijuana.

18 There's also a hollow blunt,
19 and that is just a wrap with no tobacco
20 in it, and that's sold for no other
21 reason than to smoke marijuana. On the
22 wrapper, it says "Number one blunt in the
23 world."

24 We've also found that the
25 flavored blunts are being sold in stores

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2 like Rite Aid, CVS, Eckerd Drugs,
3 Walgreens, gas stations, Chinese food
4 stores, delis, beer distributors, malls,
5 barber shops, hairdressers and cigar
6 shops. We have targeted two cigar shops
7 recently. One is Artifax Tobacco Shop at
8 2446 Cottman Avenue.

9 Artifax sells 30 flavors of
10 blunts, 30 flavors of blunt wraps, 60
11 types and flavors of rolling papers, over
12 300 pipes, types that can be used to
13 smoke marijuana, 50 stash cans, fake
14 cleanser cans, soup containers that can
15 be used to hide drugs, also various sizes
16 of plastic bags, bags that are advertised
17 for coins and stamps, but they're also
18 the size bags used to package crack
19 cocaine and larger bags that are used to
20 package marijuana.

21 Recently, Artifax was rated by
22 the Police Department and shut down.
23 They were up and operating a day later
24 and they posted on their sign, "We're
25 back and stronger than ever." The owner

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2 of this store doesn't even live in this
3 City and he's coming and taking
4 advantage, making the money off the kids
5 and going back to the suburbs.

6 Another cigar shop we targeted
7 is the Philly Smoke Shop located at
8 Cottman Avenue in the mall. They sell 30
9 flavors of blunts, 30 flavors of wraps,
10 25 types of rolling papers, 30 types of
11 pipes used to smoke marijuana, stash
12 cans, drug magazines and scales.

13 These stores mentioned are just
14 a sample of what's going on in the
15 neighborhoods in our City.

16 Over the past year, I have been
17 to every section of the City with my drug
18 paraphernalia presentation and I spoke to
19 many people, black, white, Hispanic and
20 Asian, and they all asked me the same
21 question, How can we stop the sale of
22 drug paraphernalia and what can we do to
23 protect our kids from it? Well, I hope
24 soon with the passage of this bill, I'll
25 have the right answer for them.

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2 I'm here today as a father and
3 grandfather, as a 36-year City detective
4 and as a lifetime City resident. I'm
5 also here as a spokesman for all the kids
6 in this City that have no one to speak up
7 for them. I'm here to ask you to pass
8 this bill on for a full Council vote so
9 we can restore the quality of life in our
10 neighborhoods. This bill may not solve
11 the drug problem in Philadelphia, but
12 it's a big step in the right direction.

13 Thank you.

14 COUNCILWOMAN KRAJEWSKI: Thank
15 you very much. I appreciate all your
16 help on that. It just seems outrageous
17 what is going on here in the City.

18 Councilman O'Neill.

19 COUNCILMAN O'NEILL: Jerry, I
20 just want to thank you for all your work
21 as a volunteer, not as a detective in the
22 District Attorney's office, for
23 energizing this effort. It really has
24 been appreciated by a whole lot of people
25 throughout the City.

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2 I assume you agree with the
3 amendment that I mentioned that would
4 expand --

5 DETECTIVE ROCKS: Yes. I'd
6 like to thank you, Councilman, for
7 introducing this bill. You're a great
8 help. Thank you.

9 COUNCILWOMAN KRAJEWSKI: Thank
10 you.

11 Are there any other questions
12 from members of the Committee?

13 (No response.)

14 DETECTIVE ROCKS: I'd just like
15 to add one thing.

16 COUNCILWOMAN KRAJEWSKI: Sure.

17 DETECTIVE ROCKS: I brought
18 with me over a thousand signatures from
19 people who are supporting this bill.

20 COUNCILWOMAN KRAJEWSKI: All
21 right.

22 COUNCILMAN O'NEILL: Jerry, I'm
23 sure you're aware, but for the record,
24 every Councilmember co-sponsored this
25 bill as soon as they heard the issue.

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2 Thank you.

3 DETECTIVE ROCKS: Yes. I
4 appreciate that. I want to thank all the
5 Councilmembers. Thank you very much.

6 COUNCILWOMAN KRAJEWSKI: Thanks
7 again.

8 THE CLERK: Next witness, Kenny
9 Gamble.

10 COUNCILWOMAN KRAJEWSKI: Good
11 afternoon, Kenny.

12 MR. GAMBLE: Good afternoon.
13 My name is Kenny Gamble, and I'll be very
14 brief. I am here to support this
15 ordinance that's being proposed, and I
16 support it 1,000 percent, because to have
17 drug paraphernalia in stores, near
18 schools and Sunoco stations and whatever,
19 it just appears as though the society is
20 condoning the use of drugs, and for this
21 Council and all of its members, it makes
22 it seem as though that the Council and
23 that the powers that be in this City
24 condone the use of drugs by having drug
25 paraphernalia available so readily.

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2 The other thing I'd like to say
3 also too is that the stop and go's in our
4 community where they sell beer up until 2
5 and 3 o'clock in the morning, that it
6 needs to be considered that they should
7 not be allowed in our community that you
8 can go and buy beer in stop and go's,
9 because little children can go in stop
10 and go's. I mean, in the bars and
11 whatever, that's one thing, because you
12 have to be a certain age, but in these
13 stop and go's, you have to be -- a baby
14 can walk into a stop and go.

15 So I would like to see some
16 kind of consideration for the stop and
17 go's, that they are not able to sell beer
18 and alcoholic beverages, because they
19 sell this drug paraphernalia also after a
20 certain hour. And so maybe you could
21 take that into consideration.

22 But let it be known that I
23 support this effort 1,000 percent, and
24 I'm hoping that we will take action
25 immediately.

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2 Thank you very much.

3 COUNCILWOMAN KRAJEWSKI: Thank
4 you. Thank you for coming in. I
5 appreciate your testimony.

6 Are there any other questions
7 from members of the Committee?

8 (No response.)

9 COUNCILWOMAN KRAJEWSKI: Next
10 witness.

11 THE CLERK: Next witness, Bob
12 Eddis, FOP.

13 MR. EDDIS: Good afternoon.

14 COUNCILWOMAN KRAJEWSKI: Good
15 afternoon.

16 MR. EDDIS: I'd like to thank
17 you, first of all, for taking the time to
18 hear this. I'm here representing the
19 Police Department in the presence of the
20 Fraternal Order of Police.

21 What's significant to us is
22 when we take our job, we raise our right
23 hand, we said we will protect and
24 safeguard the lives and property of our
25 citizens. Seeing the quality of life in

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2 our City, we think right now that this
3 initiative is something that's going to
4 send a message, because our children are
5 dying on the street. I'm not making a
6 correlation between both, but I'm saying
7 the example. What example are we
8 setting? Are we teaching our children as
9 was said in the song 30 years ago, by
10 them being able to go out there, walk
11 into a store and buy something that is
12 causing harm, that is causing great havoc
13 in our City?

14 I personally salute Jerry Rocks
15 for his initiative, seeing this, knowing
16 the significance of the importance of our
17 next generation. When I was a young man
18 growing up, it wasn't available. It
19 wasn't available. There was safeguard
20 measures, because somebody knew the
21 significance of keeping a watch on items
22 like these. And right now seeing the
23 businesses capitalize on it, the
24 profiteers, sometimes their intent may
25 have not been that it was going to be for

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2 that, but if it's being used for that,
3 people have to look at that. So, okay,
4 maybe the intent wasn't, but what are the
5 results? And the results are in our City
6 this is what it's being used for.

7 And we come to you today to
8 implore you to please pass this
9 legislation to enable our children and
10 our City to have a future. And I will
11 stand for any question.

12 COUNCILWOMAN KRAJEWSKI: Thank
13 you very much, Bob.

14 Are there any other questions?
15 (No response.)

16 THE CLERK: Our next witness is
17 Dr. Cirigliano and Dr. Clay.

18 MR. CLAY: Good afternoon,
19 Councilwoman.

20 COUNCILWOMAN KRAJEWSKI: Good
21 afternoon, gentlemen.

22 MR. CLAY: My name is Stephen
23 Clay and I'm the Medical Director for
24 Gaudenzia, Incorporated. Gaudenzia,
25 Incorporated is the number one drug and

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2 alcohol treatment organization in the
3 City and I dare say in the State of
4 Pennsylvania. I'm here before you to
5 testify for passage of this legislation
6 that is before you.

7 What I'd like to say is, I see
8 about 20 to 30 drug-addicted individuals
9 per week. My job is not an
10 administrative job at all. And I would
11 urge you to pass this legislation,
12 because many of the people that we see,
13 we have them do a life story upon
14 admission to the facility, and the vast
15 majority of them, their life story starts
16 around 7 or 8 years old smoking blunts,
17 using drugs. Marijuana primarily is the
18 main gateway drug that is the entryway
19 for them into a life of drug addiction.

20 I think it's a shame that these
21 items, this paraphernalia, is available
22 so readily on our neighborhood corners to
23 minors, adolescents. People have no idea
24 what they're getting into.

25 Also, I'd like to add that we

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2 as taxpayers are the ones who are footing
3 the bill when they go to prison and when
4 we are treating them in my facility.

5 So I'm here to urge you to pass
6 this legislation. I think it's
7 important. I don't think it's going to
8 solve the drug problem in the City of
9 Philadelphia, but anything that presents
10 a barrier to children obtaining this
11 paraphernalia I believe is a good idea,
12 and as Jerry said, it's definitely a step
13 in the right direction.

14 With that, I'm open to any
15 questions you may have.

16 COUNCILWOMAN KRAJEWSKI: Thank
17 you.

18 DR. CIRIGLIANO: I'm
19 Dr. Michael Cirigliano. I'm an Associate
20 Professor of Medicine at the University
21 of Pennsylvania School of Medicine. I've
22 been practicing internal medicine for 14
23 years, and I can tell you -- first of
24 all, I'm honored to be here at City
25 Council.

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2 do something about this.

3 Now, some might say that
4 prohibition never worked, but I dare say
5 that this is something that we can fix.

6 I actually advocate on Fox News
7 once in a while when I'm on there, I
8 advocate a glass of wine with dinner once
9 in a while. So I'm not advocating that
10 we prohibit alcohol. There may be some
11 benefits to that, but there is no
12 redeeming value with these products at
13 all. I encourage you and I implore you
14 to act on this. And that's about all I
15 have to say.

16 COUNCILWOMAN KRAJEWSKI: We
17 certainly appreciate you coming in, both
18 of you, for taking time out, and we do
19 realize how very important this issue is.
20 I don't believe there's one member of
21 City Council that doesn't agree with all
22 of you here today, because it is a
23 serious problem plaguing our City.

24 Are there any other questions
25 from members of the Committee?

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2 COUNCILWOMAN BROWN: Yes, Madam
3 Chair.

4 COUNCILWOMAN KRAJEWSKI:
5 Councilwoman Brown.

6 COUNCILWOMAN BROWN: Thank you.
7 Thank you, Madam Chair.

8 Thank you, Doctor, for your
9 very powerful testimony.
10 Head of Gaudenzia, having heard
11 now that the story --

12 MR. CLAY: No. I'm not the
13 head. The head of Gaudenzia is Michael
14 Harle.

15 COUNCILWOMAN BROWN: To the
16 leadership that's represented here today.

17 MR. CLAY: I'm the Medical
18 Director.

19 COUNCILWOMAN BROWN: Okay. And
20 that would be a good thing.

21 You mentioned the stories of
22 the persons that you service. This
23 begins for them at age 8, 9 years old.

24 MR. CLAY: It can be 7, 8, 9
25 years old commonly.

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2 COUNCILWOMAN BROWN: So with
3 that kind of revelation for us maybe, any
4 ties, connections at all with the School
5 District around the very population that
6 you serve and the prevention efforts of
7 the School District in what they're
8 doing? Because there's a unique
9 opportunity there to connect the dots
10 between those two worlds.

11 MR. CLAY: There's definitely a
12 unique opportunity to connect the dots,
13 but I dare say the School District's
14 efforts may be directed toward the wrong
15 group. I mean, I don't think their
16 efforts are directed towards 7, 8 --

17 COUNCILWOMAN BROWN: Even
18 middle school students.

19 MR. CLAY: -- 9-year-old
20 children. This is when these young kids,
21 children, are being introduced into the
22 drug world. I mean, if you're teaching
23 teenagers, 16, 17 and 18, about drugs,
24 some of those people already have a drug
25 habit and I see them in treatment. So

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2 it's too late. By the time you're
3 talking to kids in high school, maybe
4 even the end phase of middle school,
5 that's really too late. You really
6 should be talking to children about
7 substance abuse and drug use in grade
8 school.

9 COUNCILWOMAN BROWN: Okay.

10 Please, Doctor.

11 DR. CIRIGLIANO: Madam

12 Councilwoman, I'd like to reiterate that
13 studies have shown that people who use
14 drugs at an early age also are the kind
15 of people that get into high-risk
16 behaviors, like fighting in school. They
17 get into other kinds of problems, and so
18 this is a gateway. In fact, many people
19 in the profession call it a gateway drug
20 when we talk about marijuana. We're not
21 even talking about cocaine.

22 You know, what's it going to
23 take? What do we need to do to help our
24 young people, prevent them from getting
25 into trouble in the first place? When

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2 they get to me, it's too late. We need
3 to get early intervention so that our
4 kids, our young people, don't have the
5 problems later on in life.

6 COUNCILWOMAN BROWN: I thank
7 you both for your testimony, and what
8 you're saying really instructs me and
9 provides an opportunity for us on this
10 side of the table to raise these issues
11 also with the School District.

12 MR. CLAY: I think it really
13 sends a wrong message when you can get a
14 blunt, a pack of cigarette papers along
15 with your Now and Laters and Lemonheads
16 and pretzel sticks.

17 COUNCILWOMAN BROWN: Can't be
18 better said than that.

19 Let me seize the moment to then
20 simply congratulate the sponsor of this
21 bill. It baffles me that we didn't take
22 some action long before this. So I can't
23 make any sense out of that, but as the
24 Chairman of this Committee has indicated,
25 the support on this measure is

10 Thank you very much for your
11 testimony.

13 DR. CIRIGLIANO: Thank you.

15 Councilman O'Neill.

22 COUNCILWOMAN KRAJEWSKI: Thank
23 you.

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2 selling. These are the blunt wraps.
3 It's just the skin of a cigar, and it
4 comes in flavors and they're
5 bright-colored and they're mango, just to
6 attract kids.

7 These are the papers. I don't
8 know anybody today that uses them for
9 cigarettes, and these stores are carrying
10 like 30 and 40 different types and
11 brands.

12 COUNCILWOMAN KRAJEWSKI: Maybe
13 you can make it turn around and show
14 them.

15 COUNCILMAN O'NEILL: Thank you,
16 Madam Chair.

17 COUNCILWOMAN KRAJEWSKI:
18 Councilman Rizzo.

19 COUNCILMAN RIZZO: Can I direct
20 it to Councilman O'Neill?

21 Councilman, if like the
22 neighborhood bar that they sell cigars
23 behind the bar, if a person would like to
24 buy an individual cigar while they're in,
25 if it's a smoking bar in the future,

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2 would they be able to buy? Because I
3 know a lot of little neighborhood bars
4 have boxes of cigars where a customer can
5 buy a onesie or twosie to smoke them
6 while they're in the bar having a beer.

7 COUNCILMAN O'NEILL: If they're
8 not a hotel or restaurant that seats 25
9 people or specialty tobacco store, they
10 can't sell it. That's prohibited in
11 here.

12 COUNCILMAN RIZZO: But they
13 could be a bar that's allowed to smoke?

14 COUNCILMAN O'NEILL: You mean
15 under the --

16 COUNCILMAN RIZZO: Under the
17 smoking --

18 COUNCILMAN O'NEILL: If that
19 bill passes, yeah.

20 COUNCILMAN RIZZO: Right.

21 COUNCILMAN O'NEILL: If they
22 get through all that, yes.

23 COUNCILMAN RIZZO: So they
24 would be knocked out also?

25 COUNCILMAN O'NEILL: Right.

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2 COUNCILMAN RIZZO: Okay. Thank
3 you. I just want to understand that.

4 COUNCILWOMAN KRAJEWSKI: Thank
5 you.

6 THE CLERK: The next witness,
7 Carolyn Smith, Office of State
8 Representative Curtis Thomas.

9 (No response.)

10 COUNCILWOMAN KRAJEWSKI: She's
11 not here.

12 THE CLERK: Next witnesses, AJ
13 Thompson, Esquire, and Scott Sigman,
14 Esquire.

15 COUNCILWOMAN KRAJEWSKI: Good
16 afternoon, gentlemen. Please state your
17 name for the record.

18 MR. THOMPSON: My name is AJ
19 Thompson.

20 MR. SIGMAN: My name is Scott
21 Sigman, S-I-G-M-A-N.

22 MR. THOMPSON: I thank you for
23 the opportunity to speak on behalf of
24 this bill.

25 In addition to what Mr. Rocks

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2 had put together, I went out and
3 purchased a couple of what we're talking
4 about here today so that the
5 Councilpeople can get a feeling for
6 exactly what we're talking about and can
7 take them off of the board. You can take
8 a look at the flavors, peach, grape,
9 watermelon. It seems like they have more
10 flavors than there are soda.

11 COUNCILWOMAN KRAJEWSKI: What
12 type of store was that where you
13 purchased them?

14 MR. THOMPSON: This was a --

15 COUNCILWOMAN KRAJEWSKI: You
16 don't have to give the name, but I just
17 want to know what type of store it was.

18 MR. THOMPSON: It was a
19 convenience store that's very popular and
20 has a lot of business --

21 COUNCILWOMAN KRAJEWSKI: One of
22 those franchises?

23 MR. THOMPSON: Yes. Yes, it
24 was.

25 COUNCILMAN O'NEILL: Which one

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2 was it?

3 COUNCILWOMAN KRAJEWSKI: Go
4 ahead, you can state it.

5 MR. THOMPSON: It was Wawa at
6 Aramingo and Huntingdon.

7 COUNCILWOMAN KRAJEWSKI: Thank
8 you.

9 MR. THOMPSON: I have some
10 remarks here.

11 The last thing I think about
12 when I hear "convenience store" is a drug
13 dealer, but last night I bought one half
14 of some of those popular drug
15 combinations in the City while picking up
16 some bread and a pack of gum. So
17 Philadelphia's corner convenience stores
18 are complicit in the drug trade, and make
19 no mistake about that, that's what this
20 is.

21 In the midst of heart-wrenching
22 levels of blood shed, mainly attributed
23 to the violent nature of the drug trade,
24 government figures have rightly called
25 for the marshaling of all forces to

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2 combat drug and drug abuse. In order to
3 fight this battle, large-scale programs
4 are in development stages, and they're
5 all small things that need to be done and
6 show success. One of them is this bill.

7 Efforts to stop the grip of
8 violent drug trade are dealt a serious
9 blow when the use of drugs, especially
10 the gateway drug of marijuana, are given
11 tacit approval. Any drug dealer looking
12 to get increased sales and fill our
13 street corners with the ever-present
14 aroma of burning pot, they only walk down
15 the store to get the tools necessary to
16 boost their bottom line. Why? Because
17 these stores still do not prohibit the
18 sale of crack pipes, blunts and cigarette
19 papers that are ostensibly used for
20 tobacco, but anyone with commonsense will
21 tell you they're used to facilitate the
22 drug trade.

23 Any convenience store, but
24 especially larger chains such as Wawa and
25 gas retailers, should be ashamed of

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2 themselves with such a large offering of
3 essential products like bread and milk
4 but still use these on their shelves to
5 derive profit to squeeze the last nickels
6 from the community by giving potential
7 drug abusers and dealers a quick conduit
8 to getting high.

9 Since they will not voluntarily
10 act to stop selling these, a disgraceful
11 breach of the public trust for companies
12 that typically pride themselves on being
13 corporate citizens, I congratulate
14 Council for the brave step in banning the
15 sale of these materials.

16 In my neighborhood of Fishtown,
17 we have initiated an anti-drug program
18 called Whatever It Takes. Some of our
19 members are here. One of our main
20 thrusts is to counter the culture of
21 acceptance and tolerance of the drug
22 culture. When a neighborhood or
23 community throws up its hands in disgust
24 at drug abuse and the corruption of youth
25 and merely shrugs its shoulders, the

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2 battle is close to lost.

3 The temptation to kids and
4 adults as well comes at them constantly,
5 and by sending the message that these
6 tools of the drug trade are sold in the
7 same places where mom buys milk, eggs and
8 gets gas, they become an overarching
9 conclusion that drugs are permissible and
10 sanctioned. It sends a clear message,
11 and it's wrong and it undermines our
12 work.

13 The acts contemplated in this
14 bill are not without precedent. The City
15 has just banned smoking in public
16 facilities. Pharmacies routinely lock
17 away cough medicine. Councilman Kelly is
18 thinking about protecting the geese of
19 the City and the country through the ban
20 of foie gras. Surely selling pineapple
21 blunts next to soft pretzels is something
22 that this City can afford to do away
23 with.

24 (Applause.)

25 MR. THOMPSON: If these

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2 of community that many of our corner
3 stores used to embody in this City. It's
4 a slap in the face to all of us who are
5 working to keep the scourge of drugs away
6 from our kids.

7 I urge you to vote for what is
8 best for Philadelphia and what you know
9 to be right and what you've all
10 co-sponsored. Ban the sale of products
11 such as rolling papers, crack pipes,
12 strawberry blunts from our convenience
13 stores, Wawa, gas stations and all of our
14 other sections of the City that are
15 selling these products.

16 I'd like to thank Mr. Rocks and
17 everyone who is here to testify on behalf
18 of this, Councilman O'Neill and all the
19 Councilpeople who signed on to this, and
20 I'd like to end with a pun, that it's
21 "high" time that we ban this stuff in the
22 City.

23 Thank you for your time.

24 (Applause.)

25 COUNCILWOMAN KRAJEWSKI: Thank

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2 you very much.

3 MR. SIGMAN: Thank you.

4 Distinguished members of City Council,
5 members of the public, my name is Scott
6 Sigman. I was actually an Assistant
7 District Attorney assigned to the
8 Philadelphia District Attorney's Public
9 Nuisance Task Force. I started while in
10 law school working for Edgar Jaramillo
11 and most recently I worked actually for
12 Michael Erdos, who was in the room and
13 most recently just testified before you.

14 While an Assistant District
15 Attorney with the Public Nuisance Task
16 Force, I actually conducted some of the
17 raids on these very paraphernalia shops
18 and stores in the City, whether it be
19 alleged convenience stores, actual
20 paraphernalia shops or the like, with the
21 Nuisance Task Force of L&I, with Kevin
22 Daly and Dominic Verdi, with the
23 Philadelphia Police Department and with
24 Citywide Vice.

25 When we raided most of these

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2 stores, we would find not only the blunts
3 and the little rose glasses, but we also
4 found all these plastic packets, which
5 I'd like to present to Council if you'd
6 like to pass among yourselves. And I'll
7 indicate to you, if you notice some of
8 these crack bags have the Superman logo,
9 some of these have the Nike swoosh. And
10 I'll tell you right now, I don't think
11 Warner Brothers has licensed their
12 Superman logo on crack packets. So I'll
13 pass that up to Council. Feel free to
14 keep these Superman crack packets for
15 future use in presentations against drug
16 paraphernalia in our City.

17 But I want to take us to the
18 end result of purchasing these type of
19 products, and that's something closer to
20 Councilman Kelly and Councilman DiCicco.
21 I worked with the Nuisance Task Force and
22 responsible for shutting down two of
23 Philadelphia's most notorious nuisance
24 bars, one being Club Evolutions on
25 Delaware Avenue.

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2 On February 10, 2004 when we
3 raided Club Evolutions on Delaware
4 Avenue, which happens to be right next to
5 Representative Lederer's office, where
6 they had multiple shootings and stabbings
7 and drug use and drug arrests at this
8 after-hours establishment, when we raided
9 this place on February 10th, what we
10 found on the floor of this club were
11 mounds of cigar tobacco, mounds of it in
12 all different locations on the floor.
13 And what that indicated was, they would
14 take these blunts, they'd carve out the
15 interiors of the tobacco, the cigar
16 tobacco, throw it on the floor, fill it
17 with marijuana and then smoke these giant
18 blunts filled with narcotics inside,
19 whether it be marijuana, whether it be
20 marijuana laced with PCP or mint leaves
21 laced PCP. That is what they were doing
22 inside Club Evolutions, and the evidence
23 was right there before us.

24 Councilman Kelly's district at
25 Five Points in Burholme, we had the

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2 Purple Orchid. Not the Purple Orchid I;
3 the Purple Orchid II. The Purple Orchid
4 II, notorious topless go-go bar where we
5 sent in undercover police officers to buy
6 narcotics from the entertainers, who
7 would then go to the manager. The
8 manager would go up to his office, come
9 down, hand it to the entertainers and
10 then provide them with various types of
11 narcotics, whether it be cocaine or
12 marijuana. And firsthand undercover
13 officers inside the Purple Orchid II at
14 Five Points, which is right near a
15 church, right near schools, right in a
16 highly populated area of Northeast
17 Philadelphia, would observe people
18 cleaning out cigars, which would be sold
19 there, filling it with marijuana and
20 sitting back smoking while they watched
21 these nude entertainers perform.

22 Thanks to Councilman Kelly and
23 constituent complaints, we were able to
24 close that establishment, shut it down
25 and rid the neighborhood of that problem.

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2 Both Purple Orchid II and Club
3 Evolutions remain closed to this day.
4 But those are firsthand examples where
5 these products end up and how they are
6 used.

7 I just illustrate to you some
8 of these creative logos and, as you heard
9 today, some of the creative flavors and
10 different packaging associated with drug
11 paraphernalia and drug-related products.
12 This enables people to get high. It
13 enables people in our City to
14 literally -- it enables them to be
15 addicts. By this bill, we will help, as
16 you heard from Dr. Mike Cirigliano and
17 you've heard from Detective Jerry Rocks,
18 this bill will help that enabling of
19 people becoming addicts and the drug
20 problem in our City by taking one small
21 bite out of this problem.

22 And I just leave you with this
23 one last anecdote. I know my law school
24 college here, AJ Thompson -- we actually
25 went to law school together -- ended with

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2 an anecdote, and I would like to end with
3 an anecdote as well. I'll tell you, as
4 an ADA firsthand, I used to go out to
5 Fishtown and I saw AJ Thompson out there
6 on the front lines, with the community,
7 fighting to end these problems, and I
8 thank members of Council for taking this
9 issue up and trying to help end this
10 problem.

11 But the anecdote I would like
12 to end with is actually the anecdote of a
13 wise man. You can picture that as the
14 wise members of Council, whether it be
15 wise Councilwomen or wise Councilmen.

16 The wise man and the young
17 arrogant boy. And the young arrogant boy
18 is walking down any street in
19 Philadelphia and sees a bird flying by
20 and catches this bird out of the sky and
21 holds it in his hand behind his back, and
22 he walks up to the wise Councilman or
23 Councilwoman and says, I bet you don't
24 know what I have in my hand.

25 And the wise Councilperson

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2 says, You have a bird. I saw you catch
3 this bird in the sky and put it behind
4 your back. You have a bird.

5 So the arrogant boy goes back
6 to that Councilperson and says, Well, I
7 bet you can't tell me if it's alive or
8 dead.

9 So the Councilperson steps back
10 and says, Let me think. If I tell the
11 boy the bird is alive, the boy is going
12 to crush the bird's neck with his hand
13 and show him a dead bird. If I tell the
14 boy the bird is dead, the boy will then
15 open his hands and let the bird fly away.

16 So the wise Councilperson goes
17 back this young arrogant boy and says,
18 Son, it is in your hands.

19 Ladies and gentlemen of City
20 Council, it is in your hands. It was in
21 your hands to sponsor this bill. Now it
22 is in your hands to pass this bill. So
23 thank you very much.

24 (Applause.)

25 COUNCILWOMAN KRAJEWSKI: Thank

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2 you very much for coming in.

3 Are there any other questions

4 from members of the Committee?

5 Councilman Kelly.

6 COUNCILMAN KELLY: Yes.

7 Mr. Thompson, I just want to --

8 COUNCILWOMAN KRAJEWSKI: He's

9 the wise Councilman that you were

10 referring to.

11 MR. SIGMAN: Thank you.

12 COUNCILMAN KELLY:

13 Mr. Thompson, I just want to go on the

14 record as far as your comments about

15 geese.

16 MR. THOMPSON: I wasn't trying

17 to demean you.

18 COUNCILMAN KELLY: No. I know

19 that. But I just wanted to make it

20 crystal clear that I am not out to ban

21 any food product whatsoever, but what I

22 am going to do is to stop the torture of

23 any animal, and that includes geese,

24 ducks and anything else. But I want to

25 thank you for your comments.

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2 Scott, I just want to say that
3 we miss you. You did a terrific job in
4 that DA's office. You really did.

5 MR. SIGMAN: Thank you,
6 Councilman.

7 COUNCILMAN KELLY: I commend
8 you. Very well.

9 Thank you, gentlemen.

10 COUNCILWOMAN KRAJEWSKI: Thank
11 you very much, gentlemen.

12 I would just like to note that
13 we received a letter of support from
14 State Representative Dwight Evans and I
15 would like to have that read into the
16 record.

17 THE CLERK: Next witness is
18 Dorothy Johnson-Speight, Mothers in
19 Charge, and Craig Heiler.

20 COUNCILWOMAN KRAJEWSKI: Excuse
21 me. Do you think -- right now there are
22 other Councilmembers that have other
23 duties -- that we can keep this about
24 five minutes?

25 MS. JOHNSON-SPEIGHT:

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2 Absolutely. I'll be brief.

3 COUNCILWOMAN KRAJEWSKI: Thank
4 you, ladies and gentlemen. Please state
5 your name for the record.

6 MR. HEILER: My name is Craig
7 Heiler. I represent Presbyterian Medical
8 Center. I'm a drug and alcohol
9 counselor.

10 COUNCILWOMAN KRAJEWSKI: Good.
11 Thank you.

12 PASTOR DICEY: My name is
13 Pastor Dicey. I'm a member of Mothers in
14 Charge.

15 MS. JOHNSON-SPEIGHT: My name
16 is Dorothy Johnson-Speight. I'm Founder
17 and Executive Director of Mothers in
18 Charge.

19 COUNCILWOMAN KRAJEWSKI:
20 Welcome. Thank you. You may proceed.

21 MS. JOHNSON-SPEIGHT: Good
22 morning. I am thankful to Council and
23 the Director of Not in My Neighborhood to
24 provide testimony this morning on the
25 anti-drug paraphernalia bill. I'm here

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2 to support that bill.

3 I first met Detective Rocks
4 when he brought a very informative
5 presentation to the Mothers in Charge
6 community meeting. I couldn't believe
7 what I saw during this presentation, just
8 as he just demonstrated a few minutes
9 ago. The types and amounts of different
10 paraphernalia was mind blowing. I never
11 saw or knew that there were so many
12 different colors, flavors and smells,
13 eye-catching types of drug paraphernalia.

14 What was so disturbing was that
15 it was clear that the paraphernalia was
16 designed and marketed for our youth, with
17 the smell and the aroma and the colors
18 and things like that. It was designed to
19 promote drug use among our youth. With
20 easy accessibility at the corner store or
21 on their way to elementary, middle and
22 high schools, it's so disturbing to me
23 that that should be there.

24 After his presentation, I then
25 noticed that whenever I stopped for gas

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2 or ran into a convenience store, there
3 were a whole array of this stuff all over
4 the counter for everyone to see, like a
5 commercial, and I thought how is this
6 legal? It's promoting and suggesting
7 that illegal drugs are okay and it's okay
8 to smoke marijuana. Because we know that
9 folks aren't smoking cigars like that.

10 Marijuana is a gateway drug.
11 That means kids begin smoking young
12 because they think it's cool with the
13 different flavors and aromas and colors.
14 And before that, before long, it leads to
15 other types of illegal drug use.

16 Mothers in Charge is a group of
17 mothers, grandmothers, aunts and sisters,
18 many of whom have lost our sons and
19 daughters to violence, and often times
20 the violence goes hand in hand with the
21 drug use. Mothers in Charge sees the
22 fallout of young people beginning to
23 smoke marijuana, this gateway drug,
24 leading to more serious and deadly drugs,
25 then which, in too many cases, leads to

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2 crime, incarceration and death. Yes,
3 death because of the money and crime
4 associated with these drugs.

5 We are losing our youth to
6 imprisonment and death at an alarming
7 rate. This year alone, over 300 people
8 have died as a result of homicides
9 because of violence and drugs. It's time
10 that we stop this nonsense in our
11 community.

12 I agree with Detective Rocks,
13 not in our neighborhoods. We can no
14 longer have this type of drug
15 paraphernalia in our communities, in our
16 stores where young people are going every
17 day.

18 We realize that this
19 legislation is not a cure for all drug
20 use and violence, but I believe we need
21 to do whatever we can to stand to make a
22 difference, with taking a solid stand
23 against profiteers in our community that
24 say it's just business to promote this in
25 our communities. We should take a stand

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2 against easy accessibility of this drug
3 paraphernalia that ultimately kills our
4 children and our families and our
5 communities.

6 Thank you for the opportunity.

7 COUNCILWOMAN KRAJEWSKI: Thank
8 you.

9 PASTOR DICEY: I do want to
10 tell you thank you for just taking this
11 into consideration, because my son, Nicea
12 Ali Matee, was killed two years ago, and
13 he was killed by a friend and he was
14 killed over drugs.

15 I also was the mother that kept
16 my son in jail, because when he was on
17 the corner selling drugs, I had him
18 arrested.

19 So I say to you today, I thank
20 you for what you're doing and taking this
21 into consideration. And I just say
22 again, I commend you on what you're doing
23 and to help us so that we can continue
24 not to lose our children to the senseless
25 crime and the drugs. But we want to say

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2 to you thank you so that you can
3 continually help our children to live.

4 COUNCILWOMAN KRAJEWSKI: I
5 believe it's us that want to thank you.
6 I'm sure all the members of this
7 Committee thank you for the wonderful job
8 that you're doing and the care that
9 you're taking to protect the children and
10 taking the time to come in here today.

11 Yes, sir.

12 MR. HEILER: Yes. First and
13 foremost, just let me say that I work on
14 the front lines in direct contact with
15 people who suffer from addiction
16 disorders and I speak on their behalf.

17 When Mr. Rocks called me, I sat
18 down at my computer and within five
19 minutes, I came up with some drug
20 paraphernalia that maybe too many people
21 aren't familiar with. Gas masks that can
22 be converted into crack pipes, soda
23 bottles and soda cans that can hide
24 drugs, and lipstick containers that are
25 also sold in some of these convenience

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2 stores that can be turned into crack
3 pipes.

4 At the end of this little
5 presentation I put together, there's a
6 marijuana website that lists by name many
7 of the products that were mentioned here
8 today, about how good it is to smoke
9 marijuana through these products. So I
10 think many of the big businesses who sell
11 these products know and very well do it
12 with the awareness that that's what these
13 products are for.

14 It's very typical for me on my
15 way to work to stop into an A-Plus Sunoco
16 and the person in front of me purchase a
17 single blunt and not go around the
18 corner, but directly go outside the
19 store, empty that blunt onto the ground,
20 fill it with marijuana and stand at the
21 bus stop and smoke these products.

22 In my line of business, the
23 products that are before you are
24 considered visual triggers. Many of the
25 clients that I work with, we have to

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2 teach them relapse prevention skills.

3 One of the skills we have to teach them
4 is how to avoid these products. They're
5 pretty hard to avoid when they're around
6 every corner you walk.

7 That's all I have. Thank you.

8 (Applause.)

9 COUNCILWOMAN KRAJEWSKI: Thank
10 you very much.

11 Are there any questions from
12 members of the Committee?

13 Councilman Kelly.

14 COUNCILMAN KELLY: Madam Chair,
15 due to a previous commitment, I would
16 like to be excused and I would like to go
17 on record as voting for the bill and the
18 amendment to the bill. Thank you.

19 COUNCILWOMAN KRAJEWSKI: Thank
20 you, Councilman.

21 THE CLERK: The next witness is
22 Vivian Crawford, Esquire, and Claudia
23 Sherrod.

24 COUNCILWOMAN KRAJEWSKI: Good
25 afternoon, ladies.

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2 MS. CRAWFORD: Good afternoon.

3 COUNCILWOMAN KRAJEWSKI: Please
4 state your name.

5 MS. CRAWFORD: My name is
6 Vivian Crawford. I'm an attorney in
7 Philadelphia. I'm also counsel to the
8 African-American Heritage Coalition, and
9 you see here with me Tracy Gordon and
10 Paula Peeples, who are also members of
11 that organization. I'm also First Vice
12 Chair of Neighborhood Networks.

13 I'm here to offer my support
14 and offer some testimony on behalf of
15 this ordinance.

16 One of the things that I'd like
17 to explain to you is, I am a former
18 school teacher. So what's interesting to
19 me is that we are actually teaching
20 children bad behavior, and the reason
21 that I say that we're teaching them that
22 is because most of these businesses -- we
23 had a demonstration yesterday about stop
24 and go's. These are places that actually
25 sell these products that we're here about

5 If you were to look at the
6 ingredients of malt liquor and understand
7 that often there is isobutanol, which is
8 in cigarette lighters, my theory is that
9 what happens is, the chemicals from the
10 malt liquor added with the chemicals from
11 the marijuana together are producing
12 violence. We see a level of violence in
13 this City that is beyond comprehension.
14 And why is it? It's because we have a
15 drug culture here that young kids are
16 actually going into these stores where
17 they buy candy, where they buy potato
18 chips, where they buy little juice
19 bottles, and advertised in these stores
20 are these drug products.

21 Now, the problem that you get
22 is that you're actually training these
23 children that these places are okay to
24 go. For those of us that are a little
25 longer in the tooth and have been around

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2 for a while, we know that most of these
3 stores operate using liquor licenses.
4 Those liquor licenses were purchased from
5 taverns. Children were not allowed in
6 taverns. Children could not go in bars.
7 So now you have a store that's standing
8 in the place of what was your local
9 tavern where you had a bartender who kept
10 some order, who knew who his customers
11 were, now you've got these stores that
12 are operating, they're selling malt
13 liquor, which has a higher alcohol
14 content than most of the liquor that
15 people used to drink in the bars. But
16 they add to it they're selling drug
17 paraphernalia.

18 And so we demonstrated
19 yesterday and we saw some people going
20 in, buying their beverages, they go
21 outside and they drink it. They don't
22 have public bathrooms. So what you have
23 now is, you've got people standing
24 outside, smoking these substances,
25 drinking beer, and we all know what

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2 happens when you drink beer. There's no
3 public restrooms. So our whole
4 neighborhoods become toilets.

5 (Applause.)

6 MS. CRAWFORD: So in the
7 summertime when that body fluid gets hit
8 by the sun, it makes our community a
9 place where nobody wants to live.

10 So what I'm saying to you is
11 that drug paraphernalia, malt liquor,
12 it's all tied together.

13 I support this. I'm asking you
14 to take a look at what it's doing,
15 because no matter where we live, the
16 reality is as long as we are allowing
17 drug trafficking to continue the way that
18 it is and allowing these young kids to
19 get high -- because, you see, it's in kid
20 flavors. It's in pineapple. I don't
21 drink pineapple soda. So we already know
22 that they're targeting young people.

23 There is a tobacco master
24 settlement agreement which says that
25 youth are not to be targeted. We

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2 actually have things, statutes, that are
3 on the books that need to be enforced.

4 These products target youth.

5 They're in youth-friendly flavors. And
6 so that if we allow this to happen in a
7 store, just as some of the other
8 witnesses have testified, if a kid
9 witnesses mommy going into the store
10 where she buys a loaf of bread and a
11 stick of butter and at the same time this
12 kind of paraphernalia is available, you
13 are teaching a behavior to these children
14 that we are suffering under.

15 So I would appreciate if you
16 would look at this and also do something
17 about banning the sale of loose
18 cigarettes.

19 COUNCILWOMAN KRAJEWSKI: I
20 agree with you 100 percent. They have to
21 boycott. We have to boycott stores such
22 as that. They have to know that you mean
23 business. I like the sign, "We will shut
24 you down," and that's what we have to do.
25 We have to get the group of people

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2 together, and by boycotting the
3 particular store that sells them, put
4 them out of business.

5 MS. CRAWFORD: That's right.
6 And they're open until 3, 4 o'clock in
7 the morning. It's awful.

8 COUNCILMAN O'NEILL: Ma'am, let
9 me just tell you, loose cigarettes are
10 banned in this legislation. I appreciate
11 you bringing it up.

12 COUNCILWOMAN KRAJEWSKI: Thank
13 you.

14 MS. CRAWFORD: Thank you. And
15 I appreciate it being in the legislation.

16 COUNCILMAN O'NEILL: L&I will
17 be enforcing it, so let them know.

18 MS. CRAWFORD: Thank you.

19 COUNCILWOMAN KRAJEWSKI: Loose
20 cigarettes have always been banned,
21 haven't they?

22 MS. CRAWFORD: They've always
23 been banned, because that's a whole
24 purpose -- there's another tax issue that
25 you people are not looking at here.

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2 Because if they open up a pack of
3 cigarettes and sell them loose, we don't
4 know what state they bought those
5 cigarettes in. They could be going down
6 to North Carolina and bringing back cheap
7 cigarettes and thereby avoiding the whole
8 revenue process in Pennsylvania, because
9 you have to have tax stamps on packs of
10 cigarettes. So it's a revenue stream
11 that's being lost as a result of loose
12 cigarettes also.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you very much. I appreciate your
15 testimony.

16 (Applause.)

17 MS. GORDON: Hi. My name is
18 Tracy Gordon. I just want to also say in
19 addition to what they're lacing the
20 blunts with, they're lacing them with
21 PCP, which is angel dust. They're lacing
22 is with oxycodone. They crush it up.
23 And they lacing it with cocaine. So it's
24 not just marijuana that they're lacing it
25 with.

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2 Also, loose cigarettes,
3 "loosies," any responsible smoker do not
4 buy loosies. They buy a pack. That
5 means they're targeting our mentally ill,
6 our physically addicted and our children.
7 I see them selling the Black and Milds in
8 the loose cigarettes. That should also
9 be stuck on that board.

10 In addition, we went just a few
11 weeks ago -- I don't know if you heard.
12 A 52-year-old woman was driving by with
13 her husband, minding her own business,
14 and she gets shot dead because a fight
15 stems out from one of the stop and go's
16 that we had shut down, which was
17 reversed, in Southwest Philadelphia on
18 60th and Upland called Salt and Pepper.
19 I just went by there with my youngest son
20 to take some pictures so we can have
21 proof, and they just put out a huge
22 poster board sign, which is illegal, that
23 states -- it's called Sparks, a
24 high-energy drink, like a Red Bull, but
25 it got alcohol in it now, for \$1.50.

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2 Now, who are they targeting
3 that for? Because it was down in
4 eyesight for our kids to come by and say,
5 what, or our young adults, high-energy
6 drink. By the time they drink those in
7 the morning or afternoon, they're not
8 thinking about school.

9 And I just want to close with
10 this: I appreciate Councilman O'Neill
11 for bringing this and the Committee here.

12 And, Darrell, I wanted to say
13 that they have not -- they refuse to
14 comply with the last legislation that you
15 had proposed that they are supposed to
16 close at 11 o'clock. If they are 80
17 percent on the corner of a residential
18 block, no one, I mean no one -- that goes
19 for the stop and go's, that goes for the
20 Chinese stores and most of these grocery
21 stores -- have not complied with that.

22 I'm trying to figure out how in
23 the world is a city that's trying to grow
24 into the 21st century is allowing them to
25 open up -- and we have police on the 12th

12 They are not closing at 11
13 o'clock. What must it take for them to
14 comply with the laws of the United States
15 of America? What must it take?

16 COUNCILWOMAN KRAJEWSKI: Thank
17 you.

18 (Applause.)

19 MS. SHERROD: My name is
20 Claudia Sherrod. Thank you for allowing
21 me to spend a few minutes just to
22 virtually say I am very, very much in
23 support of the anti-drug paraphernalia
24 bill. I really didn't know anything
25 about it until about three days ago, and

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2 I just had to come up and say -- I
3 represent not only Point Breeze Community
4 Development Coalition, South Philadelphia
5 Homes and Grays Ferry -- we are very,
6 very much aware of the problem. We're
7 working on it on the committee and we are
8 really, really stopping these corner
9 stores from being open after 11 o'clock.

10 Sitting in between these two
11 powerful ladies, there's very little that
12 I have to say, except that we support it.
13 We ask for you to continually support us
14 so we can save our children.

15 COUNCILWOMAN KRAJEWSKI: Thank
16 you very much.

17 MS. SHERROD: You're quite
18 welcome.

19 COUNCILWOMAN KRAJEWSKI: Are
20 there any questions from members of the
21 Committee?

22 Councilman Clarke.

23 COUNCILMAN CLARKE: Thank you.
24 Thank you, Madam Chair.

25 I would just like to commend

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2 these ladies for the diligent work
3 they've been doing, not just in this
4 particular issue, but over the years. I
5 happen to have been friends with one of
6 them way, way back. They're consistently
7 on the forefront of dealing with the
8 quality of life in the community. I want
9 to thank you all for continuing the
10 struggle.

11 I continue to say we need a few
12 more brothers stepping to the plate, and
13 I'm going to keep on saying that until we
14 figure out a way to get there.

15 With respect to the enforcement
16 of the bill that was passed, at some
17 point in time, Madam Chair, I would like
18 to ask Mr. Haigler from L&I to come up
19 and talk about if there are in fact
20 problems as it relates to enforcing the
21 bill. If there needs to be some
22 additional enforcement mechanisms put in
23 place, we need to know that, because,
24 frankly speaking, I actually have had
25 discussions about expanding that

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2 particular legislation to include certain
3 commercial corridors, because we think
4 that not only the problem is associated
5 with residential neighborhoods, but has
6 been documented when you talk to police
7 that these particular locations, some of
8 these type of operations on commercial
9 corridors are the place of choice as it
10 relates to people who are gambling on the
11 street and smoking these blunts that
12 we're talking about now and drinking,
13 because these are the only places that
14 are open until the wee hours of the
15 morning, and I think that we need to
16 address that above and beyond the
17 residential restrictions.

18 So, again, thank you all for
19 your work, and we look forward to working
20 with you on this issue.

21 COUNCILWOMAN KRAJEWSKI: Thank
22 you very much, ladies. I appreciate your
23 testimony.

24 I believe that's the end of
25 our -- anyone else to testify?

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2 Yes, sir. Good afternoon.

3 MR. HARRELL: Good afternoon,
4 Councilwoman Krajewski and members of the
5 Committee. My name is Mark Harrell. I'm
6 the Executive Director of Men United for
7 a Better Philadelphia. I just want to
8 say on the record that Men United for a
9 Better Philadelphia supports this
10 legislation and applaud the fact that
11 City Council has unanimously signed on it
12 to make sure that this is going to
13 happen.

14 One of the top calls that we
15 get as an organization is from the
16 residents of Philadelphia asking us to
17 come out to the communities where there
18 are these stop and go's and stores on the
19 corner of their blocks that provide these
20 kind of items to the youth in their
21 communities, and I think that with the
22 passage of this legislation, it will
23 certainly make what we do in the streets
24 a lot easier, but the other thing is that
25 it will make Philadelphia a lot safer

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2 place to live. And I think that the
3 residents of this City will see that
4 Council is working in their best
5 interest.

6 So for the record, I just want
7 to say that Men United for a Better
8 Philadelphia wholeheartedly supports and
9 appreciates the fact that City Council
10 sees what we see and hears what the
11 residents of Philadelphia are saying.

12 Thank you.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you very much for coming in.

15 Are there any questions?

16 (No response.)

17 COUNCILWOMAN KRAJEWSKI: I
18 believe that's the end of our public
19 hearing at L&I. Now we will go into our
20 public meeting.

21 Councilman O'Neill.

22 COUNCILMAN O'NEILL: Madam
23 Chair, I move the amendment to Bill No.
24 060345 that I discussed in the public
25 hearing and which has been circulated

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2 both with the stenographer and every
3 member of the Committee.

4 (Duly seconded.)

5 COUNCILWOMAN KRAJEWSKI: Thank
6 you.

7 All those in favor?

8 (Aye.)

9 COUNCILWOMAN KRAJEWSKI:
10 Opposed?

11 (No response.)

12 COUNCILWOMAN KRAJEWSKI:
13 Therefore, this bill will be amended.

14 The Chair recognizes Councilman
15 O'Neill for the purpose of voting the
16 bill out with the amendment.

17 COUNCILMAN O'NEILL: Thank you,
18 Madam Chair. I move that Bill No. 060345
19 as amended be reported out of this
20 Committee with a favorable recommendation
21 and also a recommendation that the rules
22 of Council be suspended to allow first
23 reading at our next session.

24 (Duly seconded.)

25 COUNCILWOMAN KRAJEWSKI: All

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2 those in favor?

3 (Aye.)

4 COUNCILWOMAN KRAJEWSKI:

5 Opposed?

6 (No response.)

7 COUNCILWOMAN KRAJEWSKI: Now,
8 therefore, Bill 060345 will be voted out
9 of this Committee as amended with a
10 favorable recommendation at our next
11 session of Council.

12 (Applause.)

13 COUNCILWOMAN KRAJEWSKI: I want
14 to thank all of you for coming in to
15 testify. Thank you.

16 That ends our hearing at L&I.

17 (Committee on Licenses and
18 Inspections adjourned at 2:25 p.m.)

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CERTIFICATE

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I HEREBY CERTIFY that the

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contained fully and accurately in the

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stenographic notes taken by me upon the

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foregoing matter on October 26, 2006, and that

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this is a true and correct transcript of same.

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