

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

Room 400, City Hall  
Philadelphia, Pennsylvania  
Friday, May 16, 2025  
10:35 a.m.

PRESENT:

COUNCILWOMAN NINA AHMAD, CHAIR  
COUNCILWOMAN QUETCY M. LOZADA, VICE-CHAIR  
COUNCILWOMAN CINDY BASS  
COUNCILMAN MICHAEL DRISCOLL  
COUNCILWOMAN RUE LANDAU  
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, would you  
9 please call 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 COUNCILMAN THOMAS:

20 Present.

21 THE CLERK:  
22 Councilmember Driscoll.

23 COUNCILMAN DRISCOLL:

24 Present.

1 THE CLERK:

2 Councilmember Bass.

3 COUNCILWOMAN BASS:

4 Present.

5 THE CLERK:

6 Councilmember Landau.

7 COUNCILWOMAN LANDAU:

8 Present.

9 THE CLERK:

10 Councilmember O'Rourke.

11 COUNCILMAN O'ROURKE:

12 Present.

13 COUNCILWOMAN AHMAD: I

14 note for the record that a quorum

15 of this Committee is present. The

16 entire Committee is present. Thank

17 you. And this hearing is called to

18 order.

19 This is a continuation

20 of the public hearing of the

21 Committee on Public Health and

22 Human Services considering

23 testimony on Bill No. 250213.

24 Mr. Sham, would you

1 please read the title of the bill.

2 THE CLERK: Bill No.

3 250213, amending Section 9-633, of

4 The Philadelphia Code, entitled

5 "Self-Electronic Smoking Devices

6 and Unapproved Nicotine Delivery

7 Products," to update definitions

8 and to provide for additional

9 penalties, enforcement and

10 compliance options, all under

11 certain terms and conditions.

12 COUNCILWOMAN AHMAD: The

13 Clerk will please call the first

14 witness to testify on this bill.

15 THE CLERK: Ben Hartung,

16 Public Policy Advisor of the

17 Philadelphia Department of Public

18 Health.

19 (Witness approached

20 Witness table.)

21 COUNCILWOMAN AHMAD:

22 Good morning. Please state your

23 name for the record and proceed

24 with your testimony.

1 MR. HARTUNG: Good  
2 morning, Chair Ahmad, Vice-Chair  
3 Lozada, members of the Committee on  
4 Public Health and Human Services.  
5 My name is Ben Hartung. I'm a  
6 Public Policy Advisor with the  
7 Department of Public Health.

8 The Department of Public  
9 Health supports the Vape-Free  
10 Futures Act, Bill No. 250213, as  
11 proposed to be amended today. And  
12 we thank Councilmember Ahmad for  
13 her work on this important issue.  
14 And I'm happy to take any questions  
15 you may have.

16 COUNCILWOMAN AHMAD: Any  
17 of my colleagues have any  
18 questions?

19 (No response.)

20 COUNCILWOMAN AHMAD:  
21 Seeing none, thank you for your  
22 testimony.

23 Clerk, call any other  
24 witnesses on our panel to testify

1 on this bill.

2 THE CLERK: There are no  
3 more witnesses to testify on Bill.  
4 No. 250213, Madam Chair.

5 COUNCILWOMAN AHMAD:  
6 Hearing none, now we will  
7 transition to our public comments  
8 session. Please note that the time  
9 limit for each speaker is two  
10 minutes.

11 Mr. Sham, would you  
12 please call the first speaker for  
13 public comment.

14 THE CLERK: Margarita  
15 Collado.

16 MS. COLLADO: (Spanish  
17 translation).

18 INTERPRETER: My first  
19 thing is that I want to say thank  
20 you and good morning to all of you.  
21 I thank you for giving our  
22 community the opportunity to  
23 express ourselves and to also share  
24 some things that we are concerned

1 about.

2                   We are as a community  
3 supportive of the City organizing  
4 itself. But we as a bodega  
5 community would like to raise some  
6 issues about the budget and also  
7 the agreement. And we would like  
8 the opportunity for ourselves to  
9 organize ourselves. So I  
10 understand that your research might  
11 be based on some like scientific  
12 data, but I would like it to be  
13 based on real-world information  
14 from the field, because we are  
15 finding that the fines are too  
16 high.

17                   We would like to get  
18 together and be cooperating with  
19 you so that decisions can be made  
20 that are more cohesive. I know  
21 that your research is based on  
22 Temple University research. I  
23 would like to know if the study  
24 population is of young people or

1 older people.

2                   So if you're studying  
3 young people that are older than  
4 18, by law they can use what they  
5 want. So if you're studying a  
6 population between 50 and 70 years  
7 old, they need to look into whether  
8 they were using cigarettes or  
9 tobacco or if it's some kind of  
10 environmental exposure. I hope  
11 that you will take into account our  
12 concerns and the things that we've  
13 mentioned when making this budget,  
14 and that all of our concerns can  
15 also be taken into consideration  
16 when you're passing this  
17 legislation.

18                   COUNCILWOMAN AHMAD:

19 Thank you. The time has -- we gave  
20 extra time, so thank you very much  
21 for your testimony.

22                   MS. COLLADO: Thank you.

23                   COUNCILWOMAN AHMAD: The  
24 Clerk will please call the next

1 witness.

2 THE CLERK: Delfinas

3 Arias.

4 (Witness approached

5 Witness table.)

6 COUNCILWOMAN AHMAD:

7 Thank you. Please state your name

8 and stay within the two minutes

9 because we started late so I want

10 to be respectful of everybody's

11 time.

12 INTERPRETER: The

13 witness speaks English, and I will

14 be supporting her if needed.

15 COUNCILWOMAN AHMAD:

16 Excellent. Thank you so much.

17 MS. ARIAS: Hi. Good

18 morning. It's a pleasure to be

19 here and speak for all of us as a

20 community at the Dominican Grocery

21 Association. Our concern is that

22 we think that -- my name is

23 Delphina Arias. And as a worker,

24 as a Dominican Grocery Association,

1 we not agree with the bill because  
2 since the beginning it was a lot of  
3 stuff that goes like against us,  
4 especially the fine is one of them.

5 Because you mentioned it  
6 in the other meeting that you guys  
7 was going to take it to the  
8 highest, and that's something that  
9 I don't understand because you guys  
10 have the third party that makes the  
11 fines. And if they make the fines  
12 without going to the stores, what's  
13 going to happen to us if you guys  
14 approve the bill with the fines so  
15 high?

16 COUNCILWOMAN AHMAD: So  
17 just to be clear, no one will be  
18 fined if you card your customers  
19 and don't sell to minors, end of  
20 story. So you will have to pay  
21 nothing if you follow the law.

22 MS. ARIAS: Yeah. But  
23 my question is like Ms. Quetcy  
24 Lozada said earlier, she says that

1 the fine will be with the third  
2 strike. So you guys are going to  
3 clear all the fines are on record  
4 from all the stores to start from  
5 the beginning?

6 COUNCILWOMAN AHMAD: The  
7 highest fine is at 2,000 after your  
8 third violation, let's be clear.

9 COUNCILWOMAN LOZADA:  
10 She's saying the (inaudible).

11 COUNCILWOMAN AHMAD: Go  
12 ahead. Please finish.

13 MS. ARIAS: Because my  
14 dad's store get closed for three  
15 days because we got a fine on  
16 record from 2021 and that's my  
17 concern. Like, if you guys going  
18 to clear up like a new account,  
19 that we all going to be with no  
20 fines and records to start from the  
21 beginning. Because if we have --  
22 like some of us has fines that's  
23 been fabricated. Imagine like if  
24 you got that on record and you guys

1 approved that law was going to  
2 happen to us.

3 COUNCILWOMAN AHMAD: Are  
4 you done with your testimony? Is  
5 that it so we can answer you?

6 MS. ARIAS: Yeah.

7 COUNCILWOMAN AHMAD:  
8 Okay. Thank you. In the interest  
9 of time, I will just say clearly  
10 again if there are outstanding  
11 fines, they should have been paid.  
12 So everybody's slate should be  
13 clear because everybody should have  
14 paid. If you have questions, if  
15 there's an appeal process, you're  
16 supposed to appeal the fine.

17 If you have not done it,  
18 do it ASAP and then your slate is  
19 clean. So we are operating that  
20 everybody who has old fines should  
21 have cleared them, either paid them  
22 or appealed them and there's a  
23 process for that.

24 And then the next time

1 somebody comes and checks you if  
2 you have violated again, that's a  
3 new fine. So just want to be  
4 clear, the onus is on you, your  
5 responsibility to make sure that  
6 you're following the law.

7 And this law is going to  
8 be saying that we are just changing  
9 the levels of the fine, but the  
10 process is still the same. You can  
11 appeal them. So thank you. And I  
12 want to yield to --

13 MS. ARIAS: Can I say  
14 one more thing?

15 COUNCILWOMAN AHMAD:  
16 Yeah. We want to keep it short  
17 please. Sorry.

18 MS. ARIAS: It's not a  
19 lot of us that's going to speak.  
20 So you mentioned in the other  
21 meetings from before and the two  
22 meetings that we've been before,  
23 you mentioned the red light  
24 violation in it. The second one,

1 you said that what you guys did was  
2 put more light, more cameras. So  
3 why you guys don't do something  
4 like that with us? Instead of  
5 putting the bill so high because  
6 you say you was going to the  
7 maximum level, why you guys don't  
8 do try to do something different?

9 COUNCILWOMAN AHMAD: It  
10 is a step process 1, 2, 3, so we've  
11 already done that. We hear you.  
12 Thank you for your comments and  
13 we'll take this under advisement.

14 So if there's anybody  
15 else who would like to speak  
16 please -- I yield the floor to  
17 Councilmember Isaiah Thomas.

18 COUNCILMAN THOMAS:  
19 Thank you, Madam Chair. First of  
20 all, I just want to say thank you  
21 for your patience and your  
22 willingness to allow folks to be  
23 able to have this dialogue back and  
24 forth because I just want to put on

1 record that you are being gracious  
2 in the midst of allowing the  
3 witnesses to have the exchange back  
4 and forth.

5                   And I also want to  
6 commend you and explain to  
7 everybody that's here that you  
8 created a tiered process. So I'm  
9 listening to people talk about how  
10 much the fines are. And based on  
11 the amendments that I'm reading  
12 that I'm hoping that we pass out  
13 today, it says first offense will  
14 be \$500, second offense will be  
15 \$1,000 and third offense will be  
16 \$2,000.

17                   I also want to state for  
18 the record that while we are  
19 recommending that people's records  
20 be clear, that's not a decision  
21 that the legislative branch of  
22 government can unilaterally make.  
23 That's going to be up to the  
24 executive branch of government

1 working with those departments  
2 that's responsible for these funds  
3 to determine what clean slate folks  
4 are able to start with and what  
5 happens as it relates to these  
6 fines being implemented.

7                   So thank you, Madam  
8 Chair. I just wanted to let you  
9 know how much we appreciate you  
10 doing your due diligence and also  
11 explain to the collective that the  
12 tier process that folks are  
13 essentially requesting is actually  
14 in the legislation. And from my  
15 understanding, you amended it based  
16 on some of the concerns that was  
17 communicated based on the people  
18 that's here. Thank you, Madam  
19 Chair.

20                   COUNCILWOMAN AHMAD:  
21 Thank you, Councilmember Isaiah  
22 Thomas, for going on the record  
23 with that. I appreciate that. And  
24 I appreciate that people are paying

1 attention to how long we've made  
2 this process to have voices heard.

3 Thank you very much for  
4 your testimony. If the Clerk would  
5 call the next witness please.

6 MS. ARIAS: Thank you.

7 THE CLERK: Frank  
8 Francisco Rosario.

9 (Witness approached  
10 Witness table.)

11 MS. ROSARIO: Hello,  
12 Councilmembers. How are you?

13 COUNCILWOMAN AHMAD:  
14 Good morning.

15 MR. ROSARIO: It's not  
16 going to be a long testimony. I  
17 just want to say that --

18 COUNCILWOMAN AHMAD:  
19 Please state your name.

20 MR. ROSARIO: My name is  
21 Frank Francisco Rosario. I just  
22 want to say that I am completely  
23 open to the idea of working with  
24 City Council. I want to work

1 alongside you guys. I want to be  
2 your friends and I want to make  
3 sure that we make Philadelphia  
4 safer, cleaner and greener city.  
5 That's all. Thank you.

6 COUNCILWOMAN AHMAD:  
7 Excellent. Thank you so much for  
8 your support.

9 Clerk, would you please  
10 call the next witness.

11 THE CLERK: There are  
12 no other speakers on the public  
13 comment list, Madam Chair.

14 COUNCILWOMAN AHMAD:  
15 Okay --

16 THE CLERK: Oh, I'm  
17 sorry.

18 (Witness approached  
19 Witness table.)

20 MR. BUCHARO: Good  
21 morning.

22 COUNCILWOMAN AHMAD:  
23 Please state your name and begin  
24 your testimony.

1                   MR. BUCARO: Good  
2 morning. My name is Attorney  
3 Joseph Bucaro. Thank you for your  
4 time and thank you for your  
5 courtesies. Rather than public  
6 comment I was wondering if the  
7 board or if the Council had  
8 considered any similar legislation  
9 from other jurisdictions such as  
10 Chicago, New York, Los Angeles,  
11 et cetera, in formulating the  
12 proposed legislation?

13                   COUNCILWOMAN AHMAD:  
14 Thank you for your testimony. We  
15 are taking notes. Thank you very  
16 much. Are you done with your  
17 testimony?

18                   MR. BUCARO: And I did  
19 have a second question: Has there  
20 been any consideration as to the  
21 constitutionality of the amounts of  
22 the fines? It appears that the  
23 fines may be excessive in violation  
24 of the Federal Constitution as well

1 as the State Constitution.

2 COUNCILWOMAN AHMAD: We

3 thank you for your questions.

4 Appreciate it. It's on the record.

5 MR. BUCHARO: Thank you.

6 COUNCILWOMAN AHMAD:

7 Thank you.

8 THE CLERK: There are no

9 further speakers on the public

10 comment list, Madam Chair.

11 COUNCILWOMAN AHMAD:

12 Thank you. I would like to thank

13 all of our witnesses for joining us

14 today.

15 We will now end this

16 public hearing and go into the

17 public meeting. I will note for

18 the record that a quorum of the

19 Committee is present.

20 The Chair recognizes

21 Councilmember Lozada for a motion

22 on an amendment to Bill No. 250213.

23 COUNCILWOMAN LOZADA:

24 Thank you, Madam Chair.

1 I offer an amendment to  
2 Bill No. 250213. A copy of this  
3 amendment has been circulated to  
4 all members of this Committee. I  
5 move that the amendment to Bill No.  
6 250213 be adopted.

7 (Duly seconded.)

8 COUNCILWOMAN AHMAD: It  
9 has been moved and properly  
10 seconded that the amendment to Bill  
11 No. 250213 be adopted.

12 All those in favor of  
13 the motion will signify by saying  
14 aye.

15 (Aye.)

16 COUNCILWOMAN AHMAD: All  
17 those opposed?

18 (No response.)

19 COUNCILWOMAN AHMAD:

20 Mr. Sham --

21 COUNCILWOMAN LOZADA:

22 The ayes have --

23 COUNCILWOMAN AHMAD: The  
24 ayes have it and Mr. Sham -- okay,

1 yes. So the motion for the  
2 amendment passes. And let's see --  
3 sorry.

4 The Chair recognizes  
5 Councilmember Lozada for a motion  
6 on Bill No. 250213 as amended.

7 COUNCILWOMAN LOZADA:

8 Thank you, Madam Chair.

9 I move that Bill No.  
10 250213 as amended be reported from  
11 this committee with a favorable  
12 recommendation and further move  
13 that the rules of Council be  
14 suspended to permit first reading  
15 of this bill at the next session of  
16 Council.

17 (Duly seconded.)

18 COUNCILWOMAN AHMAD: It  
19 has been moved and properly  
20 seconded that Bill No. 250213 as  
21 amended be reported from this  
22 committee with a favorable  
23 recommendation and further move  
24 that the rules of Council be

1 suspended to permit first reading  
2 of this bill at the next session of  
3 Council.

4 And all those in favor  
5 of the motion will signify by  
6 saying aye.

7 (Aye.)

8 COUNCILWOMAN AHMAD: All  
9 opposed?

10 (No response.)

11 COUNCILWOMAN AHMAD: The  
12 ayes have it. So in the opinion of  
13 the Chair, the ayes have it. The  
14 motion carries. Bill No. 250213 as  
15 amended will be reported from this  
16 committee with a favorable  
17 recommendation with a request that  
18 rules of Council be suspended to  
19 permit first reading at the next  
20 session of Council.

21 This concludes the  
22 business before Committee on Public  
23 Health and Human Services today.  
24 Thank you very much for your

1 attendance.

2 COUNCILMAN THOMAS:

3 Thank you, Madam Chair.

4 COUNCILWOMAN AHMAD:

5 Thank you.

6 (Committee on Public  
7 Health and Human Services concluded  
8 at 11:00 a.m.)

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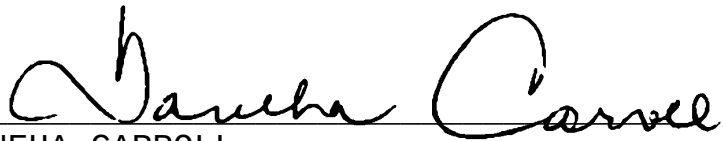
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C E R T I F I C A T I O N

I, hereby certify that the proceedings  
and evidence noted are contained fully and  
accurately in the stenographic notes taken by  
me in the foregoing matter, and that this is a  
correct transcript of the same.

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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|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>\$</b>      | <b>5</b>        | <b>Ahmad</b>    | 20:22           | <b>Associat</b> | 14 5:10         |
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| 15:16          | <b>7</b>        | 6:5             | <b>amendmen</b> | <b>n</b>        | 20:22           |
| <b>\$500</b>   | <b>70</b>       | 8:18, 23        | <b>ts</b>       | 17:1            | 21:2, 5,        |
| 15:14          | 8:6             | 9:6, 15         | 15:11           | <b>Attorney</b> | 10              |
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| <b>1</b>       | <b>9</b>        | 13:15           | 19:10           | 15              | <b>board</b>    |
| <b>1</b>       | <b>9-633</b>    | 14:9            | <b>appeal</b>   | 23:6, 7         | 19:7            |
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| <b>18</b>      |                 | 17:13,          | 16              | 21:22,          | 7:4             |
| 8:4            | <b>A</b>        | 18              | 13:11           | 24              | <b>branch</b>   |
|                | <b>account</b>  | 18:6,           | <b>appealed</b> | 23:12,          | 15:21,          |
| <b>2</b>       | 8:11            | 14, 22          | 12:22           | 13              | 24              |
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| 14:10          | <b>Act</b>      | 20:2, 6,        | 19:22           | <b>back</b>     | 18:20           |
| <b>2,000</b>   | 5:10            | 11              | <b>approach</b> | 14:23           | 19:1, 3,        |
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| <b>2021</b>    | <b>al</b>       | 16, 19,         | 4:19            | <b>based</b>    | <b>budget</b>   |
| 11:16          | 4:8             | 23              | 9:4             | 7:11,           | 7:6             |
| <b>250213</b>  | <b>adopted</b>  | 22:18           | 17:9            | 13, 21          | 8:13            |
| 4:3            | 21:6, 11        | 23:8, 11        | 18:18           | 15:10           | <b>business</b> |
| 5:10           | <b>adviseme</b> | <b>allowing</b> | <b>approve</b>  | 16:15,          | 23:22           |
| 6:4            | <b>nt</b>       | <b>alongsid</b> | 10:14           | 17              | <b>C</b>        |
| 20:22          | 14:13           | <b>e</b>        | <b>approved</b> | <b>begin</b>    | <b>call</b>     |
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| 22:6,          | 5:6             | 5:11            | 9:3, 17,        | <b>g</b>        | 6:12            |
| 10, 20         | <b>agree</b>    | 16:15           | 23              | 10:2            | 8:24            |
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| <b>3</b>       | <b>t</b>        | 23:15           | 12:6            | 4:15            | <b>cameras</b>  |
| <b>3</b>       | 7:7             | <b>amending</b> | 13:13,          | 5:5             | 14:2            |
| 14:10          | <b>ahead</b>    | 4:3             | 18 17:6         | <b>bill</b>     | <b>card</b>     |
|                | 11:12           | <b>amendmen</b> | <b>ASAP</b>     | 4:1, 2,         | 10:18           |
|                |                 | <b>t</b>        | 12:18           |                 |                 |

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| 16:12                 | 15:22                  | <b>wonderin</b>         |              |  |
| <b>tiered</b>         | <b>Universi</b>        | <b>g</b>                |              |  |
| 15:8                  | <b>ty</b>              | 19:6                    |              |  |
| <b>time</b>           | 7:22                   | <b>work</b>             |              |  |
| 6:8                   | <b>update</b>          | 5:13                    |              |  |
| 8:19, 20              | 4:7                    | 17:24                   |              |  |
| 9:11                  |                        | <b>worker</b>           |              |  |
| 12:9, 24              | <b>V</b>               | 9:23                    |              |  |
| 19:4                  | <b>Vape-</b>           | <b>working</b>          |              |  |
| <b>title</b>          | <b>free</b>            | 16:1                    |              |  |
| 4:1                   | 5:9                    | 17:23                   |              |  |
| <b>tobacco</b>        | <b>Vice-</b>           |                         |              |  |
| 8:9                   | <b>chair</b>           | <b>Y</b>                |              |  |
| <b>today</b>          | 5:2                    | <b>years</b>            |              |  |
| 5:11                  | <b>violated</b>        | 8:6                     |              |  |
| 15:13                 | 13:2                   | <b>yield</b>            |              |  |
| 20:14                 |                        | 13:12                   |              |  |
| 23:23                 |                        | 14:16                   |              |  |