

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
REGULAR MEETING
JUNE 22, 2021**

ATTENDANCE: Marcus Brown, Co-chair; Eneida Martinez, Co-chair; Michelle Lyons, Ernest Newton, Rosalina Roman-Christy, Maria Valle

OTHERS: Council Member(s): M. E. Brantley, S. Burns, M. Pereira & M. McBride-Lee; Thomas Gaudett, Mayoral Aide; Atty. M. Anastasi, City Attorney's Office; Ms. L. Mappa, Manager, WPCA; Constance Vickers, Legislative Director; Eddie Jamal, Call in User 1; 203-690-2385; 203-631-5459; 203-414-0712; 860-543-3556

CALL TO ORDER

Co-chair Brown called the meeting to order at 6:02 p.m. He noted that Council Member Silva would not be able to attend the meeting due to a schedule conflict.

APPROVAL OF COMMITTEE MINUTES:

April 27, 2021 (Regular Meeting)

**** COUNCIL MEMBER NEWTON MOVED THE MINUTES OF THE APRIL 27, 2021 MEETING.**

**** COUNCIL MEMBER VALLE SECONDED.**

**** THE MOTION TO APPROVE THE MINUTES OF THE APRIL 27, 2021 MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

21-20 Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 8.90 – Regulation of the Sales and Marketing of Tobacco Products.

Council Member Brown said that there were two public hearings held on the topic. Many Committee members were concerned about whether the Council may not have the legal authority in this area. A legal opinion was sent from the City Attorney's Office to the Council Members earlier in the day. Council Member Brown said that he would forward the legal opinion to the full Council.

The legal opinion states that the City does not have the legal authority in this area. The State considered this item during the regular sessions and had banned flavored vaping products but not menthol cigarettes.

Council Member Newton said that he had read the opinion and also read other municipalities actions in Connecticut. He said that the State should be the one to decide this.

Council Member Pereira asked if the Council had raised the age for purchasing cigarettes before the State did. She wished to know how the Council had the authority to do that but does not have the authority to do this.

Council Member Brown pointed out that he had raised the same point back when this happened. He said that he was told that because the State would be raising the age for cigarettes within the following weeks, they could change the ordinance.

Council Member Pereira said that the legal opinion was posted on the City's website. She asked for clarification on the implementor section, which the State legislation just passed that bans flavored content and electric delivery systems or vapor products. This will become effective on January 1, 2022. She asked why menthol cigarettes were not included in the bill.

Attorney Anastasi said that it was clear that the State ducked the menthol issue. The reason that the legal opinion was revised was due to Senate Bill 326 was shot down within the past week. The State added it to the implementor bill at the last minute. He said that he could forward the implementor bill to the Committee members. They did ban the flavored e-cigarette but left the menthol cigarette intact.

Council Member Pereira said that the bill was 800 pages.

Council Member McBride-Lee said that she thought that the Hartford legislative were hypocritical because they just passed marijuana but banned flavored e-cigarettes. She said that in the news that they were targeting the minority community with this law, but she sees all kinds of people smoking cigarettes.

Council Member Roman-Christy asked if the State's legislature would supersede the City's ban. Attorney Anastasi said that if the State regulates something, could a municipality prohibit it. He said that because there are health issues, it is better handled by the State.

Council Member Roman-Christy said that she agreed with Council Member Newton and felt that they should do away with Agenda Item 21-20 and let the State handle it.

Council Member Lyons said that she had spoken with officials earlier in the day. She would like to see the legislators continue to look into this. She actually did a press conference with Senator Blumenthal on menthol cigarettes and vaping. If it is done in a State wide manner, everyone will have to follow suit and the law will be stronger.

Council Member Newton asked Attorney Anastasi about the marijuana dispensary. He said Plymouth had passed a moratorium that no marijuana be dispensed or grown in their town.

Attorney Anastasi said that the concept may become popular and the type of pre-emption may be difficult to decide. It would be a separate analysis. There was a State Supreme Court case on this that said that cities could adopt more stringent regulations or there is also the possibility where

ADJOURNMENT

- ** COUNCIL MEMBER VALLE MOVED TO ADJOURN.**
- ** COUNCIL MEMBER NEWTON SECONDED.**
- ** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 6:27 p.m.

Respectfully submitted,

Telesco Secretarial Services