



Assemblymember Linda B. Rosenthal

Reports to the People • 67th Assembly District • Fall 2019

Dear Neighbors,

With real change in leadership in Albany, we knew that the 2019 Legislative session would be different. Little could have prepared us for the seismic shift we would see. Together, we rode the historic tide to accomplish what is nothing short of remarkable – for the first time in decades, we were able to effectuate real, progressive change for New Yorkers who need it most.

After years of obstruction, my colleagues and I in the Legislature passed groundbreaking legislation like the Reproductive Health Act, the Child Victims Act, the Gender Expression Nondiscrimination Act, the Climate and Community Protection Act, the Jose Peralta DREAM Act, a comprehensive package of sexual harassment laws, legislation to empower voters, long-overdue criminal justice reform and the most significant tenant protection laws in New York history.

And we're just getting started!

While our work is far from over, it is now plain to see what a bold new vision for New York State can look like. Together, we have charted a path toward making New York the most progressive state in the nation, and we will continue down that path until our vision is realized.

In addition to achieving so many long-fought victories, I was able to pass more than 30 individual pieces of legislation, some of which have already been signed into law. I worked for years to perfect the language of these bills and to build the winning coalitions needed to pass them.

Like so many advocates for justice, I am disappointed that we were not able to come to agreement to end the cruel practice of solitary confinement, legalize adult-use marijuana and to provide incarcerated individuals with access to lifesaving medication assisted treatment (MAT) for incarcerated individuals suffering with substance use disorder.

With preparations already underway for next session, I look forward to continuing our progress in the district and beyond!

Sincerely,

Linda B. Rosenthal

Child Victims Act: One-Year Civil Window Opens Door to Justice in Courts

The Child Victims Act (CVA) is one of the most important pieces of legislation I have had the honor of sponsoring in the New York State Assembly. For a variety of complicated reasons, children who are sexually assaulted often take years to come forward and disclose that they were abused. New York's old statute of limitations was among the worst in the country, and actually made it more difficult for survivors to get justice.

Recognizing that unique reality, the CVA gives survivors of childhood sexual assault more time to file criminal and civil cases against their abusers. And, perhaps most importantly, on August 14, 2019, the CVA opened a one-year window during which now-adult survivors of childhood sexual assault can bring civil cases that were previously barred by the statute of limitations.

The window is the heart and soul of the Child Victims Act, and that's why I fought so hard, along with so many survivors-turned-advocates, against incredible opposition to ensure it remained in the final version of the law. The one-year window will help to address years of suffering that survivors experienced because New York's law wasn't there for them when they were ready. I hope it will provide survivors with a measure of peace. Importantly, it will help to reveal predators hidden in our midst, even if we can no longer prosecute them criminally

If you or someone you know experienced sexual assault when you were a minor and the statute of limitations has already run out for you, between August 14, 2019, and August 13, 2020, you can bring a civil action against the abuser even though the original statute of limitations has already run out.

For more information about the CVA window or about how to connect with a counselor or an attorney, please visit <https://www.safehorizon.org/get-help/child-victims-act/>.



Tenants Taking Back the Power

After years of dogged advocacy, my colleagues and I in the State Legislature passed sweeping housing legislation, the Housing Stability and Tenant Protection Act of 2019 (HSTPA), which has already begun to deliver meaningful protections to tenants statewide.

I was pleased the final bill included several pieces of legislation I authored and carried for years, including the bill to repeal vacancy deregulation, which makes rent regulation permanent, and the bill to limit increases on rent-controlled units and remove the fuel pass-along charge. We enacted a host of other reforms on the rules governing MCIs, IAIs, owner occupancy and tenant blacklist, and made preferential rent the base rent for renewal leases. In addition, we allow localities around the state to opt in to rent regulation.

(Continued on page 3)

Smoking and Vaping

Our worst fears have been realized with reports of severe adverse health impacts from the use of electronic cigarettes, as well as the death of two New Yorkers. Since e-cigarettes burst on the scene around ten years ago, I have been immensely concerned about the safety of the product. In fact in 2010, the Assembly passed my bill to ban their sale until the FDA declared them safe for use as a tobacco-cessation device.

Recognizing that e-cigarette companies were using plays from Big Tobacco's playbook, I have been working tirelessly for years to protect young people against the heretofore suspected risks associated with e-cigarette use. In 2012, I authored the law that banned the sale of e-cigarettes to minors and required that e-liquid be sold in child-resistant packaging. Then in 2014, I passed my bills to ban the sale of e-cigarette liquid to minors, prohibit possession on school grounds and to include e-cigarettes in the State's Clean Indoor Air Act so that they cannot be used inside buildings where smoking is also prohibited.

This session, I scored another major victory for children's health when the bill I passed to raise the statewide smoking and vaping purchase age to 21 years old became law. This legislation will make

it harder for young people to get their hands on products containing nicotine. But with the news that e-cigarettes are as dangerous as we suspected, we have much more work to do.

Since Juul exploded on the scene, it has quickly grown to become the largest e-cigarette company in the country, responsible for more than 70% of all U.S. sales. I am the sponsor of legislation to ban the sale of flavored electronic cigarettes in New York. The State Attorney General has filed a lawsuit against Juul for deceptive and misleading marketing, illegally selling its products to minors and misrepresenting its products as a safer alternative to traditional cigarettes.

E-cigarette use in New York, particularly among young people, has exploded. According to the New York State Department of Health, e-cigarette use among minors nearly doubled between 2014 and 2016, and nearly 30% of all high school students surveyed report vaping within the last month. This increase can be attributed in large part to the availability of cool, fruity flavors, like "Go Nanas" and "Naked Unicorn," which are designed specifically to lure young people.

I am committed to passing my legislation to ban the sale of flavored e-cigarettes in New York to protect all young people against the risks associated with e-cigarette use.



I joined my colleagues in government and transportation and environmental advocates at a rally to demand that the MTA capital plan prioritize accessibility upgrades, including a modern signal system and elevators to ensure that the system works for mobility-impaired New Yorkers and those with disabilities.



Food allergies are becoming increasingly common among school-aged children. Researchers estimate that 5.6 million kids under the age of 18 have food allergies. I held a news conference in Albany with young people who have food allergies in support of my bills to secure 1) teachers in school are ready to administer an epinephrine autoinjector in the event of anaphylaxis, 2) restaurant workers are trained in preventing allergen cross contamination, and 3) the posting of allergen and intolerance information on printed and online menus. Together, these three pieces of legislation will help make life easier for people with food allergies.



Securing Your Data and Protecting Your Privacy

I am the sponsor of the New York Privacy Act, which would protect your data privacy by requiring that any company – tech or otherwise – that digitally collects and/or stores personal data about its users has a special legal responsibility to protect that data. The bill would require companies to exercise due care to protect the user data, and it would allow users to sue for any damages caused as a result of a data breach.

Technology has helped to simplify our lives, but it has also exposed our sensitive personal data to a myriad of known and unknown uses by third parties.

I was proud to co-chair a recent State Senate hearing on the bill and the issue of data privacy.

Medication Assisted Treatment in State and Local Correctional Facilities

Nearly 80% of all people incarcerated in New York State's correctional facilities are struggling with some form of addiction that could be managed with access to medication assisted treatment (MAT). Despite the fact that MAT, which combines behavioral therapy with medications, namely buprenorphine, methadone and Vivitrol, is the standard of care in addiction treatment and management, only six of the State's 59 correctional facilities provide access to it.

Addiction is a disease and MAT is healthcare; we have a moral obligation and legal duty to treat sick people regardless of where they are. I am the sponsor of legislation to require all state and local correctional facilities to provide access to at least one form of MAT to those who need it. In addition, the bill would ensure that incarcerated individuals work with counselors to develop a comprehensive discharge plan that connects them with services and supports once they reenter society because the newly released individuals have among the highest rates of overdose deaths of any class of user.

I am committed to seeing this bill become law this session, and look forward to continuing my work with advocates and my colleagues to help destigmatize addiction and ensure that every person who needs and wants it has access to effective, comprehensive and respectful treatment on demand.

Environmental Protection

Climate Leadership and Community Protection Act

Climate change presents an existential threat to our very survival. We have passed the tipping point beyond which some consequences of a warming planet are irreversible, but we must continue to fight to prevent the worst from occurring and to preserve our planet for future generations.

The Administration in Washington has done everything it can to roll back hard-fought environmental protections. It is up to the states to enact protective legislation, and it is incumbent that states like New York take bold action to reduce carbon emissions.

New York is now home to one of the most aggressive state-level climate protection laws — the Climate Leadership and Community Protection Act (CLCPA) — in the country. The law requires that 70 percent of New York State’s electricity come from renewables by 2030 and that we generate 100 percent carbon-free electricity by 2040. By 2050, we must reduce greenhouse gas emissions by an overall 85 percent. A clear process is established by which a minimum of 35 percent investments in renewable energy and energy efficiency are made in low-income communities.

Importantly, CLCPA creates a Climate Justice Working Group, the members of which will come from environmental justice communities as well as the New York State Departments of Environmental Conservation, Health and Labor. The CLCPA also provides that all projects resulting from it are subject to the prevailing wage rate.

The CLCPA will continue New York’s environmental leadership, help preserve our environment, and provide every state in the nation with a road map for what effective, state-level climate policy should look like in the absence of federal climate mitigation strategies. Though there is still much work to be done to hasten the green transformation that our environment and economy need, the CLCPA sets us on the right path.

Plastic Bag Ban

With the adoption of the 2019-20 State budget, New York became the second state in the nation to ban the use of plastic bags, a measure I have supported for years.

New Yorkers throw away 23 billion plastic bags each year, and each of these bags takes thousands of years to biodegrade. A single-use plastic bag is used for approximately 12 minutes, but the damage to our environment lasts forever. Our oceans are overrun with plastic pollution, which threatens marine life.

The ban, which will take effect in March 2020, will prohibit the use of plastic bags and allow counties to impose a five-cent fee on paper bags. The five-cent fee will help encourage people to carry reusable bags and avoid producing paper garbage as well. Forty percent of the funds raised via the five-cent fee will help cities provide customers with bags, while the remaining 60 percent will go to the State Environmental Protection Fund.

The ban does not extend to commercially available home trash and recycling bags, bags used for fruit and vegetables and bags used to pick up pet waste.

Plastic Straws

I am also working to pass my bill to make plastic straws available to consumers upon request only.

Plastic straws pose a similar, though less well-known threat to the environment as do plastic bags. Americans use more than 500 million plastic straws every single day. At this rate, by 2050 the number of plastic straws in our oceans will exceed the number of fish. According to For a Strawless Ocean, an advocacy organization dedicated to reducing plastic straw pollution in our oceans, 71 percent of seabirds and 30 percent of turtles have been found with plastics in their stomachs. A full half of these marine animals will die as a result.

An outright ban on plastic straws would place too great a burden on individuals with certain disabilities who need plastic, bendable straws to drink. Requiring that plastic straws be made available to customers upon request only will help to achieve a dramatic reduction in their use statewide while also ensuring that those who need straws continue to have access to them. Until this bill becomes law, I encourage all of you who are able to consider using alternatives to plastic straws.



New York Made History by Becoming the First State in the Nation to Ban Cat Declawing

I am thrilled to report that after a five-year uphill effort, my bill to ban cat declawing is now law!

Cat declawing is a barbaric procedure that involves the surgical amputation of the cat’s first toe bone, along with the tendons and muscles. In addition to being cruel, given the availability of affordable and pain-free alternatives, it is also unnecessary. And, it often results in lifelong pain for the animal and a variety of behavioral issues, including increased aggression, biting and litter box avoidance. Performed for the convenience of the owner to protect couches and curtains, there is no reason that this procedure should be performed unless it is medically indicated to protect the cat from illness, injury or death. Even the Centers for Disease Control recommends against declawing in cases where a cat owner has an immune disorder because biting creates a far greater risk of infection.

Now that New York is the first state in the nation to ban cat declawing, I am committed to end the puppy-mill-to-pet-store pipeline once and for all by passing legislation to prohibit the sale of dogs, cats and rabbits in pet stores and to instead allow the stores to showcase animals that are available for adoption.

Tenants Taking Back the Power *(Continued from page 1)*

We also removed some of the financial barriers that made it difficult for tenants to move to different housing by repealing the 20 percent vacancy bonus, limiting the amount a broker can charge prospective tenants for a credit and background check and reforming the security deposit rules.

The effect of this legislation cannot be understated: as expected, the number of eviction cases landlords have filed against tenants already has dropped precipitously as landlords recognize that the promise of post-eviction rent increases has faded. I have, however, heard from people whose building management is not complying with aspects of the new law. If that is the case, please contact my office and we will help.

This HSTPA is the beginning of a new era of tenant empowerment in New York. It reflects the fact that housing units are not data points or revenue streams — they are homes for New Yorkers and their families. New York has a responsibility to protect and preserve them. We will continue to build on this progress for many sessions to come as we work to undo years of landlord overreach that resulted in the loss of hundreds of thousands of rent regulated units.

Women's Rights and Gender Equity

Reproductive Health Act

Though New York State legalized abortion in 1970, a full year before the Supreme Court of the United States decided *Roe v. Wade*, New York's law did not comply with the federal precedent until we finally passed the Reproductive Health Act (RHA) earlier this year. In addition to leaving women in the state vulnerable if *Roe v. Wade* were ever overturned, a prospect which seems ever more likely, until this year, New York's law criminalized abortion and did not allow abortions to be performed after 24 weeks even if the pregnancy was not viable or the health of the pregnant person was in jeopardy. RHA finally codifies a woman's right to choose, and moves abortion into the public health law, ensuring that this vital and constitutionally protected health right is never criminalized.

Menstrual Equity

Menstrual equity has become a watchword for many women, especially those who are in their teens and 20s. We have seen a sea change in policies around menstruation and society has learned the meaning of menstrual equity – the idea that people are not treated differently because of their periods.

In 2016, I passed the law that axed the local and state sales tax, and then passed legislation to require menstrual products be provided free to public school students in grades 6 through 12 and to individuals incarcerated in correctional facilities statewide.

This year, my bill to require ingredient labeling on menstrual product packaging was signed into law. This first-in-the-nation initiative has been hailed by women's groups and environmental advocates alike because it has the potential to reduce our exposure to a variety of chemicals, and because it recognizes that menstruation is a biological process and that people who experience it have a right to make informed decisions about their bodies.

From continuing my work to achieve menstrual equity in New York, to reaffirming our state's commitment to women's reproductive health, this past session in Albany saw us make real strides in the march toward true gender equity.

Another bill I passed that became law will provide young students with information about menstruation and their bodies. Menstrual disorders like endometriosis are very common: in fact, more than 10 million people struggle with the disorder. Despite its prevalence, on average, it takes ten years or longer for people living with endometriosis to receive a diagnosis. Knowledge is power, and providing young people with information about common menstrual disorders will help empower them to ensure they receive appropriate treatment. And, starting conversations about menstruation in grade school will help to smash the stigma that still surrounds this normal biological function.

And, I also passed legislation to ensure that charter schools, like traditional public schools, provide their students with access to free menstrual products in all restrooms.

In the upcoming legislative session, I will be working to ensure that people in homeless shelters statewide have access to free menstrual products. I will also be strenuously advocating for passage of my bill, the TAMPACT (Total Access to Menstrual Products Act), which will require that every bathroom statewide be stocked with free menstrual products, just as they are with toilet paper. I am aiming to change that perception.

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News

from
Assemblymember
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**FREE NOTARY
SERVICE AT
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I joined colleagues in government, advocacy groups and Congressman Jerrold Nadler, Chair of the U.S. House of Representatives Judiciary Committee, at a press conference in support of ranked choice voting, which eliminates the need for costly runoff primary elections and guarantees that the winner of the runoff is the candidate who receives more than 50% of the total votes cast.

