

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-121		5725	3	11	4
<u>Committee Pages:</u> <ul style="list-style-type: none"> Public Health & Safety 143-145 				<u>House Pages:</u> <ul style="list-style-type: none"> 1247-1251 2823-2824 2836-2839 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1119-1120 2204-2205

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which is rather cumbersome, simply imposes an additional burden which I feel is unnecessary. The added \$1,000 is not excessive, the public is adequately protected and it is a good bill. I urge it's passage.

THE SPEAKER:

Further remarks on the bill? If not, all those in favor indicate by saying aye. Those opposed? The bill is PASSED.

THE CLERK:

Page 3 of the Calendar, Calendar No. 237, Substitute for H.B. No. 5725, An Act Adopting a State Child Protection Act, File No. 190.

MR. COHEN (41st):

Mr. Speaker, I move acceptance and passage of the Joint Committee's favorable report.

THE SPEAKER:

Question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark?

MR. COHEN (41st):

Mr. Speaker, at this point, I would like to yield to the gentleman from the 101st who has worked diligently on this bill who will be able to explain it in great detail.

MR. OLIVER (104th):

Mr. Speaker, pending reapportionment, it's still the 104th but I'll take the nod.

Mr. Speaker, in 1960 the United States Congress passed a Hazardous Substances Labelling Act which was a labelling law subsequently adopted in Connecticut in 1964 or '65. In 1966, the Child Protection Act was adopted by the United States Congress providing authority, in this case to the Food and Drug Administration for the branding of toys and other children's articles

which are hazardous substance. But, of course, that only referred to articles in interstate commerce. The '66 amendments also authorized the banning of other hazardous substances when cautionary labelling alone cannot adequately protect the public health and safety.

THE SPEAKER:

I suggest you try Rep. O'Dea's microphone.

MR. OLIVER (104th):

In 1969, the Child Protection and Toy Safety Act was enacted by the United States Congress and extended the authority to ban hazardous toys including toys or other articles intended for use by children which are hazardous due to the presence of electrical, mechanical and thermal hazards. The Connecticut legislature had adopted for intrastate use the '60, the 1960 Federal Act but had not the 1966 and '69 Federal Acts. This bill before us today would do that.

I think to do it properly, I would like to move House Amendment Schedule A.

THE SPEAKER:

Would the Clerk please call House Amendment Schedule A?

THE CLERK:

House Amendment Schedule A offered by Mr. Prete of the 114th and Mr. Sarasin of the 95th: In section 4, line 378, after the word "violated" delete the words "subsection (c)" and insert the words "subdivision (3)".

In line 388, after the word "violated" delete the words "subsection (a)" and insert the words "subdivision (1)".

MR. OLIVER (104th):

Move acceptance.

THE SPEAKER:

The question is on adoption of House Amendment Schedule A. Will you remark?

MR. OLIVER (104th):

Mr. Speaker, on House Amendment Schedule A, I would note the Legislative Commissioner's Office was typing the uniform act which we are attempting to adopt today, they used the prior codification...they used the form of codification that's not used in the State of Connecticut and in this particular subsection, it's merely technical, I move its passage.

THE SPEAKER:

Further remarks on the amendment? If not, the question is on adoption of House Amendment Schedule A. All those in favor indicate by saying aye. Those opposed? The amendment is ADOPTED. It is ruled technical. We can proceed with the bill as amended.

MR. OLIVER (104th):

Speaking once again on the bill, Mr. Speaker, as amended by House Amendment Schedule A, I would note that what is before us today is File No. 190 is the model uniform intrastate child protection and toy safety act promulgated out of the Department of Health, Education and Welfare which would give, in the State of Connecticut, to the Connecticut Consumer Protection Commissioner the following powers in line with those two federal acts to which I spoke earlier. And that is, it provides the Commissioner of Consumer Protection power to ban from intrastate commerce those household substances which are so hazardous that warning labels alone are not adequate safeguards and would further direct the Commissioner to ban the sale of any toy or other article intended to be used by children that is, as defined in Section 1, toxic, corrosive, irritant, strong sensitizor, flammable, poisonous or possessed an electrical, mechanical or thermal hazard.

Finally, this adds from the 1969 federal act, a requirement that the manufacturer, distributor or dealer of such a banned substance or toy refund to the purchaser the purchase price of such article, including return shipping charges, if that's necessary.

Mr. Speaker, this bill was drafted in conjunction with Mr. Eaton Smith of the Department of Consumer Protection, through the help and assistance of Commissioner Casey, Commissioner Dirks and now our excellent new commissioner, Barbara Dunn. I think it's a wonderful and long overdue piece of legislation. It brings to the powers of the Commissioner of Consumer Protection those powers which the federal government has but which are now lacking on the state level of Connecticut. I urge its passage.

THE SPEAKER:

Further remarks on the bill? If not, the question is on acceptance.

MR. KING (48th):

Through you, Mr. Speaker, one question to the gentleman who introduced the bill, if he would care to answer. In the event that the Department of Consumer Protection issues an order banning the substance or the toy or whatever it may be which the act permits from the market, where is the section in the bill which permits the manufacturer against which the action was taken? Where is the section which permits him to appeal or challenge the order of the Department of Consumer Protection?

THE SPEAKER:

Would the gentleman from the 104th care to respond?

MR. OLIVER (104th):

Mr. Speaker, the Superior Court has jurisdiction in connection with actions commenced by the administrator, the commissioner. I would point out that this is the same ...on pallel with the federal act. There is not

that direct appeal to the best of my knowledge from the doings of the Federal Drug Administration and that currently is not the law as regards the 1960 federal act and to do this, I think, would put an unnecessary step into the process. As a practical matter, directing your attention to section 13, this act provides that the administrator may...conditions exist that necessitate rather certain additional periods for compliance, that they can be granted by the Commissioner of Consumer Protection. I have great confidence in the Commissioner of Consumer Protection that this will be administered fairly and I believe the defense always exists in an action in the Superior Court.

THE SPEAKER:

Further remarks? If not, the question is on adoption of the bill as amended. All those in favor indicate by saying aye. Those opposed? The bill is PASSED.

THE CLERK:

Pages 4, 5, 6 and 7--

MR. AJELLO (118th):

If the Clerk is offering a choice, I'll take page 5 at this point.

THE SPEAKER:

Is that the Clerk's choice?

MR. AJELLO (118th):

Mr. Speaker, directing the Chamber's attention to page 5 of today's calendar, I move suspension of the rules for the purpose of referring Calendar Nos. 262, 263, 264, 265 and 266 to the Committee on Labor.

THE SPEAKER:

Motion is to refer these items to the Committee on Labor. Is

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A.M. to 1:00 A.M. the following morning, Friday and Saturdays, from 9:00 A.M. to 2:00 A.M. the following morning, Sundays, from 12:00 noon to 11:00 P.M. and it has been suggested by one of the members of the press that we ask for immediate transmittal to the Governor's Office so this can take effect this evening.

MR. SPEAKER:

Will you remark further on Senate Amendment Schedule C. If not, all those in favor of its adoption, will indicate by saying Aye. Opposed. Senate Amendment C is adopted. The question now before you is on acceptance and passage of the Joint Committee's favorable report as amended by House Amendment Schedule A and B as further amendment by Senate Amendments A and C in concurrence. Will you remark further on the bill as amended.

REPRESENTATIVE PROVENZANO:

Only that we have the bill as we passed it originally and I would hope that you would support it.

MR. SPEAKER:

Will you remark further on the bill as amended. If not, all those in favor will indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Page 25, Matter Recalled From Legislative Commissioner. Calendar 237, Substitute for House Bill 5725 - An Act Adopting a State Child Protection Act. (As amended by House Amendment Schedule A).

MR. SPEAKER:

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Gentleman from the 104th.

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REPRESENTATIVE OLIVER:

I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedule A.

MR. SPEAKER:

The question is on acceptance and passage as amended by House Amendment A. Will you remark.

REPRESENTATIVE OLIVER:

Before I go any further, it seems to me that this should be titled Matter Recalled from the Governor's Office, is that correct or incorrect?

MR. SPEAKER:

The Chair understands that the gentleman of the 104th is correct, the matter should properly be titled Matter Recalled from the Governor's Office.

REPRESENTATIVE OLIVER:

The Clerk has House Amendment Schedule B. I would ask to waive the reading and I would be glad to explain it.

MR. SPEAKER:

The gentleman has requested an opportunity to summarize House Amendment Schedule B and waive reading by the Clerk. Is there objection.

REPRESENTATIVE OLIVER:

May this matter be passed temporarily.

MR. SPEAKER:

Gentleman from the 16th.

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REPRESENTATIVE DONNELLY:

You will recall, I am sure, that earlier today I asked this matter be passed temporarily. The amendment has still not been brought forward, either has the draftsman thereof appeared. I would ask therefore that the matter be passed retaining its place on the calendar.

MR. SPEAKER:

Is there objection the matter being retained.
Hearing no objection, the matter will be retained.

CLERK:

Page 9, Calendar 835, Substitute for House Bill 6082 - An Act Concerning Limited Access Highways.

MR. SPEAKER:

Gentleman from the 16th.

REPRESENTATIVE HANNON:

I move calendar 835 be passed retaining its place on the calendar.

MR. SPEAKER:

Is there objection. Hearing none, the matter is retained.

CLERK:

Page 25, Matter Recalled. Calendar 237, Substitute for House Bill 5725 - An Act Adopting a State Child Protection Act (As amended by House Amendment Schedule A).

MR. SPEAKER:

Gentleman from the 104th.

REPRESENTATIVE OLIVER:

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I move acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedule A.

MR. SPEAKER:

Questions on acceptance and passage as amended by House A. Will you remark.

REPRESENTATIVE OLIVER:

The Clerk indeed has House Amendment Schedule B.

MR. SPEAKER:

The Clerk please read House Amendment Schedule B or would the gentleman care the opportunity to summarize.

REPRESENTATIVE OLIVER:

The latter, Mr. Speaker.

MR. SPEAKER:

Is there objection summarizing in lieu of the Clerk's reading.

REPRESENTATIVE OLIVER:

This bill is the very significant child protection act to form with the federal child protection act of 1969 and 66. This amendment is necessary because through some inadvertence the bill reached the Governor's Office , it was found that there was a technical problem and what we are doing with this amendment is sewing things up. Basically we add to one section clarified Commissioner of Consumer Protection right to compile the list of toys and other articles intended which are classified as being hazardous substances. This is a very technical clarification. We also make clear the Commissioner of Consumer Protection's

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right not to report to the State's Attorney a minor violation of the act. We make clear that certain minor failures such as the failure, I shouldn't say minor failures. A failure of the manufacturer who sold, or the dealer who sold a toy which turns out to be hazardous and is banned, under the bill, the manufacturer or the dealer must pay back to the person who purchased what they paid for it. We didn't have any penalty in there if the manufacturer refused to cooperate, we now have made this a class C misdemeanor which is 90 days or \$500 if the manufacturer fails to buy back the hazardous toy and then we have added a repeal clause to repeal existing law of April 1, 1972 and that means in the year between October 1, 1970 and April 1, 1972 the Commissioner of Consumer Protection can continue to enforce existing law. It is an excellent amendment to tighten up an excellent bill. I move its acceptance.

MR. SPEAKER:

Will you remark further on House Amendment Schedule A. If not, all those in favor of House Amendment Schedule A will indicate by saying Aye. Opposed. The amendment is adopted. Question is on acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedules A and further by House Amendment Schedule B. Would you remark. Gentleman from the 104th.

REPRESENTATIVE OLIVER:

Speaking on the bill as amended by A and B. It provides again the Consumer of Protection Commissioner power to ban from

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Connecticut commerce those household substances which are so hazardous that warning labels alone are not adequate safeguards. This is an excellent bill. I understand that the Commissioner of Consumer Protection is quite satisfied with the amendment, the bill as amended and the Governor will sign this bill.

MR. SPEAKER:

Will you remark further on the bill as amended. If not, the question is on acceptance of the Joint Committee's favorable report and passage of the bill as amended by House Amendment Schedules A and B. All those in favor will indicate by saying Aye. Opposed. The bill is passed.

CLERK:

Calendar 448, Substitute for House Bill 5703 - An Act --

MR. SPEAKER:

The gentleman of the 104th.

REPRESENTATIVE OLIVER:

I move suspension of the rules for immediate transmittal to the Senate.

MR. SPEAKER:

Is there objection. Hearing none, the matter is transmitted here forthwith.

MR. SPEAKER:

Calendar 448, Substitute for House Bill 5703 -

MR. SPEAKER:

Gentleman from the 16th.

REPRESENTATIVE HANNON:

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CAL. NO. 232. File No. 196. Favorable report of the Committee on Government Administration and Finance. Substitute for House Bill No. 5725. An Act Concerning the Publication of the Terms of Proposed Regulations As Part of the Notice. As amended by Senate Amendment Schedule A.

SENATOR DENARDIS:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill.

This bill simply requires that in publications of regulations in the Connecticut Law Journal that the exact terms and substance of the proposed regulations be reported in the Journal in so far as it is possible rather than the general way which regulations are published now.

THE CHAIR:

Question is on passage of the bill. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 234. File No. 190. Favorable report of the joint committee on Public Health and Safety. Substitute for House Bill No. 5725. An Act Adopting a State Child Protection Act. As amended by Senate Amendment A.

SENATOR PAC:

Mr. President, I move acceptance of the committee's joint favorable report and passage of the bill.

This is a rather comprehensive bill. The first six pages cover definitions and what constitutes a hazardous subject. And they define a hazardous subject as being any item that available to children as a toy or a household

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extremely flammable, causes strong sensitivity and has a great deal of pressure. This is the definition of a hazardous subject. I think this is a lawyers bill. It does not include any of the poisons that come under the Federal Act nor any of the drugs, food and drug act nor to any fuels that are used in the house.

It does permit the administrator who is someone designated by the Commissioner of Consumer Protection to name any item hazardous by regulation. He may ban the item altogether. He may revise the labels. Or, he may exempt the labels altogether, from this designation. It calls for penalties of up to 3000 dollars or one year in jail for violatinn of this act. I think it is a little bit too lengthy but it will do the job.

THE CHAIR:

Question is on passage of the bill, as amended by House Amendment Schedule A. Will you remark further, If not, all those in favor of passage of the bill signify by saying, "aye". Opposed, "nay".

THE CLERK:

CAL. NO. 235. File No. 189. Favorable report of the joint committee on Public Personnel and Military Affairs. Substitute for House Bill 5726. An Act Conforming State Standards of Political Activity of Classified State Employees to Federal Standards.

SENATOR BURKE:

Mr. President, I move the committee's joint favorable report and passage for the bill.

This bill allows the State Employees to gage in political activity, the issue is not connected with one of the major parties. It also allows them to participate in the Constitutional Amendments, Municipal

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which in effect, has a hearing of which anybody can appear and oppose these regulations. And so I think there are adequate safeguards in this bill and we should pass it.

THE CHAIR:

Question is on passage of the bill. Will you remark further? If not, all those in favor of passage, signify by saying, "aye". Opposed, "nay". The ayes have it; the bill is passed.

SENATOR CRAFTS:

Mr. President, I would like to contest the vote and ask for a standing vote on that bill.

THE CHAIR:

All those in favor of passage of the lobster pot bill, so-called, please rise. All those opposed, please rise. 17 to 7. The bill is passed.

THE CLERK:

CAL. NO. 234. Favorable report of the joint committee on Public Health and Safety. Substitute for House Bill No. 5725. An Act Adopting a State Child Protection Act.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill was brought back mainly because the effective date of the bill was supposed to be October 1. However, the Department is not geared to enforce it on October 1. So in the amendment they are asking that the date of the effective be effective as far as the administration October 1. But, the effective date of enforcement be as of April 1, 1972.

This would give them three or four months to gear up and get their enforcement sections ready. It also adds on to the duties of the administrator.

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and he's required to compile a list of these hazardous substances and toys.

It also does give them a little more leeway in any unintended violations, a minor violation. He can dispose of it by a simple warning than rather than resorting to the official procedures that require appearance before the Attorney General and so forth.

It also makes the act a Class C misdemeanor. This is about the extent of it.

THE CHAIR:

Question is on passage, will you remark further? All those in favor of passage of the bill signify by saying "aye". Opposed, "nay". The ayes have it; the bill is passed, as amended.

THE CLERK:

CAL. NO. 595. Favorable report of the joint committee on Judiciary. Senate Bill 309. An Act Concerning the Paying of Traffic Violation Fines by Mail.

SENATOR JACKSON:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. The present time, Section 54-2c of the Statutes presently states, that anyone who is arrested may pay his fine for a traffic violation by mail, if the penalty doesn't exceed \$100. and if he hasn't previously been convicted of a traffic violation in the State during the last five years. This bill will take away this last provision. So that it will mean that you can pay for your traffic violations by mail, if the violation fine does not exceed \$100. I believe this is a very worthwhile bill and help to reduce the conjection in our courts.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in

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THURSDAY

FEBRUARY 25, 1971

Earl Holdsworth, 125th District: I'd like to speak in favor of H.B. 7267. Fairfield County is the hotbed of drug usage in the state of Conn. There are more cases involving arrests in Fairfield County than in any other area in the state of Conn. Unfortunately the toxicological laboratory established in Hartford is so overloaded with work that in many cases the analysis of the drug submitted has been delayed and in many cases the persons arrested were let go because of the lateness in the analysis report from the toxicological laboratory. As this is the hotbed in the state, our access to New York and so forth, this bill provides for the establishment of a state toxicological laboratory in Fairfield County where the greatest problem is in the state. If we are going to overcome the problems of this dreaded problem that we do have in the state, it would seem to me that the best way to get at the heart of it is to have all the facilities in the place where they're so sadly needed. Mr. Chairman, I hope that you and your committee will look favorably on this bill. Thank you.

Rep. Cohen: The hearing will now be open to the public. I'm Doctor Cohen, House Chairman, on my left is Senator Pac, Senate Chairman. For those not familiar with how we operate, as the bill is called, the proponents of the bill can speak first. They will speak into the microphone, identify themselves, and if they have any statements, to please leave them with the clerk and please, if possible, don't repeat what others have said, in the interests of time. Our committee can ask you questions so don't leave the microphone until we perhaps ask you questions. And please bear in mind that when we ask questions, it does not necessarily express our point of view. We ask questions to bring out facts that perhaps you haven't brought out in your testimony. So with that, we'll open on the first bill.

Sen. Pac: Thank you, and the chair will recognize our Commissioner of Consumer Protection, Miss Barbara Dunn

Commissioner Dunn: Thank you, Senator Pac. I appreciate your courtesy in letting me speak. I would like to speak to bill 5725. Rep. Oliver's bill. AN ACT ADOPTING A STATE CHILD PROTECTION ACT.

The Department of Consumer Protection would favor such a bill. This bill will close several loopholes in the present state hazardous substance act and bring it into uniformity with the federal law. It brings all hazardous substances regardless of their wrapping under the safeguards of the state law. It bans from intrastate commerce those household substances that are so hazardous that warning labels

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are not adequate safeguards. It bans the sale of toys and other children's articles containing hazardous substances regardless of their packaging. We would like to take a definite stand for passage of this bill.

I have with me Mr. Eaton Smith who is the Division Chief of Food, Drug and Cosmetics. Have you anything further to add, Mr. Smith? He would be the division chief handling this.

Eaton E. Smith of East Hampton, Director of Food and Drugs in the Department of Consumer Protection: I would just like to emphasize what Commissioner Dunn has said regarding this particular bill. At the present time, under our hazardous substance law we do not have the authority to ban articles that are intended to be used by children if they're hazardous. As you may know, the federal people have in recent months banned considerable quantities of toys. We have worked with them, but not because we had a law but because of the pressure of our office to get the products off the market. The present law is mainly a labeling law. And this particular law goes further than that. It takes into consideration all hazardous substances regardless of whether they're packaged or not. I emphasize that this bill should be passed in the interest of the consumers of Conn. Thank you.

Sen. Pac: Any questions?

Rep. Lyons, 149th: By items that are dangerous to children in the form of toys, do you refer merely to items in the homes that children would use or are you referring to items in the home such as lye that children normally don't use?

Mr. Smith: No when I'm saying that this particular law takes into consideration the hazards of articles intended to be used by children it does not talk about lye. That is covered under another portion of the law that requires certain type of labeling on hazardous substances as defined whether they be toxic or poison or should be kept out of the reach of children. We're already covered on that particular part of the hazardous substance that are on the market.

Sen. Pac: Any other questions? When you're through speaking, would you please sign the registration form, when you're through speaking and during the period when the new speaker comes forward. This will save us time. Anyone else wishing to be heard on H.B. 5725?

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Dr. Estelle Siker, Director of the Community Health Division in the State Department of Health: The State Department of Health wishes to support H.B. 5725. Accident is the most common cause of death in children and we would like to do everything we can to close all the loopholes and make our state safer for our children.

Sen. Pac: Thank you. Anyone else speaking in favor? Anyone opposed to H.B. 5725? If not we'll move on to H.B. 6221 (Rep. Duda of the 58th) AN ACT CONCERNING THE EXAMINATION OF BIRTH RECORDS. Now we have around four or five bills on this. Anyone wishing to speak on any one of these, in favor? These are H.B. 6382, 6383, 6505, 6508, 6509. Anyone in favor? No one in favor. Anyone opposed?

Harold Burder, State Department of Health Public Health Statistics: I'd like to speak against H.B. 6221. The other bills you mentioned aren't directly related to this one particular one, I take it indirectly related. One of the problems we've had in administering the vital record program is precisely who may have access to a vital record and as you mentioned there are bills to this effect. 6221 would put a definite time limit as to who may at what time and period would you finally scrutinize this record. In other words, a hundred year level. And I would object to this. I think this is legislation that would initiate a point where we could repeal it later on to provide full access to a birth record. The Department of Health takes the position that vital records are not public records due to situations that may happen concerning illegitimacy, death records which may reflect suicide, death from alcoholism. This really is concerning only the individual and not the public. Enough said on 6221.

On the other bills 6508, 6509, 6505, 6, 6383 and 6513 concerning the determination of parentage. This once again is a bill the State Health Department has proposed. We have a problem in those cases, those birth records which involve legitimacy. We'd have one statute, statute 750 which indicates you can't put a father down on the birth record without his express written consent. Now what'll happen is, the mother may take this fellow to court and the court will adjudge him the father. Yet we still cannot correct that birth record until we get his express written consent. And this legislation is to allow the courts to provide us with that written consent. And hopefully it will make our job just a little bit easier. We're speaking for the other bills. Yes. The only one we're in opposition to is 6221.

Rep. Cohen: 6513, you approve of that.