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| Act Number: | 09-113 | |
| Bill Number: | 825 | |
| Senate Pages: | 1568-1573, 1658-1659 | 8 |
| House Pages: | 6421-6457 | 37 |
| Committee: | Public Safety: 214-219, 224-231, 254-258 | 19 |
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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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THE CHAIR:

Senator Stillman, one second please, I'm sorry.

Mr. Clerk.

THE CLERK:

Turning to calendar page 29, Calendar Number 166, File Number 139, Substitute for Senate Bill 825, An Act Concerning Paintball Safety, favorable report of the Committee on Public Safety and Judiciary. Clerk is possession of two amendments.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval of the bill, ma'am, would you like to remark further?

SENATOR STILLMAN:

Yes, I will. It sounds worse than it feels so -- but, thank you. The bill before you is an issue that was brought to the Public Safety and Security Committee (inaudible) from Senator Daily who had received some inquiries in her district and concerns. The testimony from the medical community and folks --

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who have had incidents with paintball usage upheld in testimony that this bill would be a useful and certainly a very good idea.

The bill is in two parts, it lays some groundwork for people -- facilities to make sure that for children under 18, to make sure that they've been properly instructed on the procedures. And also that if a minor is using a paintball gun on public or private property that they also wear eye protection, which really is the impetus of the bill. And I move its adoption.

THE CHAIR:

The motion is on adoption of Senate Bill 825, will you remark further?

Senator Daily.

SENATOR DAILY:

Thank you very much, Mr. President. And through you, I would like to thank Senator Stillman for the way she has shepherded this bill through. And thank Dr. Elwin Schwartz, he's my ophthalmologist who brought this to my attention -- and another patient of his, a youngster, was permanently injured, and that's why the bill became necessary. And I think and hope this will offer protection to all children in the

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future.

THE CHAIR:

Thank you, ma'am.

Will you remark further on Senate Bill 825?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I just have one question, if I may, I was hoping to ask the Chair of the Judiciary Committee, because I think it's more in line there. But maybe the proponent of the bill could attempt to answer this question?

THE CHAIR:

Senator Stillman.

SENATOR WITKOS:

Thank you, Mr. President. The bill states that a police officer can issue a verbal warning to a parent of a child who doesn't that doesn't wear the safety glasses, and it further goes on and states that this is not an offense nor a violation according to our statutes. And if it's not an offense, it's not a violation, it's not a crime, it's not a misdemeanor, what is it? I mean, how do we quantify something like that? Because I'm going to be asked, well what does this mean? How do we go about explaining --

specifically if it's not an offense, as defined in our statutes. Through you, Mr. President.

THE CHAIR:

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. Through you, to Senator Witkos, this is the same language that is used for helmets on bicycles for children. So whatever you would do as an officer if you found someone who was not wearing a helmet, it would be the same -- it's the same law. The LCO attorney fashioned this language so that it is in agreement with our bicycle helmet law for minors.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President. I thank the gentle lady for her answers. I guess I'll meet afterwards with the LCO attorney, because that just begets the question for that specific law too. If we're quantifying our state statutes here -- and I'm going to support the bill -- but if we say it's not an infraction, it's not a crime, not a misdemeanor, it's not a violation or an offense, what do we call it?

And that still hasn't -- the gentlelady's answer didn't answer my question, it was just a referral to another law. So I want to seek out that answer and hopefully if we have another type of this scenario with legislation later on down the session, we'll have an answer that would satisfy me. Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Senator Stillman.

SENATOR STILLMAN:

Yes. Thank you. In Lines 20 through 24 of the bill, it does state that the law enforcement officer can issue a verbal warning to the parent or guardian of the person who has failed to comply with the provisions of Subsection A of this section. So we can start with a verbal warning and certainly we would hope, as under the helmet law, that that would be sufficient. Thank you, sir.

THE CHAIR:

Thank you, ma'am.

Will you remark? Will you remark further on Senate Bill 825?

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President. If there's no objection, I'd like to ask that this be placed on the Consent Calendar.

THE CHAIR:

There's a motion on the floor for consent. Seeing no objection, so ordered, ma'am.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, if we might return to and have the Clerk call a bill that was marked passed temporarily. And that is calendar page 35, Calendar 327, Senate Bill 634.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 35, Calendar Number 327, File Number 419, substitute for Senate Bill 634, An Act Concerning Medications for the Treatment of Opioid Dependency and Medicaid Coverage for Such Medications, favorable report of the Committee on Public Safety and Public Health.

THE CHAIR:

Senator Doyle.

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Senate Bill 876.

Calendar page 25, Calendar 534, House Bill 6599.

Calendar page 26, Calendar Number 86, Substitute
for Senate Bill 458.

Calendar page 29, Calendar 166, Substitute for
Senate Bill 825.

Calendar page 31, Calendar 221, Substitute for
Senate Bill 893.

Calendar page 34, Calendar Number 320, Senate
Bill Number 256.

Calendar page 35, Calendar 370, Substitute for
Senate Bill 922.

Mr. President, I believe that completes those
items previously placed on the Consent Calendar.

THE CHAIR:

(Inaudible) roll call vote, sir. The machine
will be opened.

THE CLERK:

The Senate is now voting by roll call on the
Consent Calendar, will all Senators please return to
the chamber. The Senate is now voting by roll on the
Consent Calendar, will all Senators please return to
the chamber.

THE CHAIR:

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Have all Senators voted?

If all Senators have voted, please check the machine. The machine will be locked, the Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar Number 1. Total number voting, 36; those voting yea, 36; those voting nay, 0; those absent/not voting, 0.

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I would move that all items referred to various committees from the chamber today be transmitted to those committees immediately.

THE CHAIR:

Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, also, would announce that we will be convening tomorrow about -- at 11:30 a.m., it's our intention to pick up with bills that had previously been marked "go" today. So I would move that all items previously marked go

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guests come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

SPEAKER DONOVAN:

Have all members voted? Have all members voted? Please check the vote call board and make your votes have been properly cast. If all the members have voted the machine will be locked and the Clerk will take a tally. The Clerk may announce the tally.

THE CLERK:

House Bill 6642, as amended by House A.

Total number voting 125

Necessary for Passage 63

Those voting Yea 125

Those voting Nay 0

Those absent and not voting 26

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar 575.

THE CLERK:

On page 18, Calendar 575 substitute for Senate

Bill Number 825, AN ACT CONCERNING PAINTBALL SAFETY,
favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. I move acceptance of the
Committee's favorable report and passage of the bill
in concurrence with the Senate.

SPEAKER DONOVAN:

The question is acceptance of the Joint
Committee's favorable report and passage of the bill
in concurrence with the Senate. Will you remark?

REP. DARGAN (115th):

Thank you, Mr. Speaker. This bill requires
paintball facilities from allowing minors, anyone
under the age of 18 to use paintball guns at the
facilities unless the user has been instructed or
certified in procedures for safety using paintball
equipment and also requires minors using paintball
guns at a public or private facility --

SPEAKER DONOVAN:

Representative Cafero. What do you wish to say?

REP. CAFERO (142nd):

Thank you, Mr. Speaker. I don't know if it's a.

mechanical problem. We're having difficulty in this end hearing Representative Dargan.

SPEAKER DONOVAN:

Thank you, Representative. It's nice to see everybody back. If we can keep the conversations lower, that would be very helpful for the debate. Thank you very much.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker. The bill also will require on public or private property for individuals to wear protective eye gear. We've heard a number of testimonies from the eye physicians and surgeons that treat individuals with injuries to eyes. They pointed out that these toys or paint guns with dye, when they're shot, exceed at over 200 miles per hour, and they said that these have been more dangerous than actually BB guns.

Also in the 70s the ophthalmologists and eye physicians within our state and around the country were able to get legislation passed dealing with protective eye wear for individuals that play ice hockey. So I think that this bill before us today will go a long way in protecting our youth that use these -- when they play with these different toys.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the bill? Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, good morning. I rise very briefly to speak in favor of the bill before us. This was a concept introduced to us in the Public Safety Committee, and I commend Representative Dargan for his work to make this a better bill.

What is required of paintball facilities is training that is very valuable to those getting that training but not terribly onerous on the facility in providing it. This will go a long way toward keeping people safe, especially young kids. And I urge passage. Thank you, sir.

SPEAKER DONOVAN:

Thank you, Representative. Remark further on the bill? Remark further on the bill?

Representative Sawyer.

REP. SAWYER (55th):

Question through you to Representative Dargan, please.

SPEAKER DONOVAN:

Please proceed, madam.

REP. SAWYER (55th):

Mr. Chairman I was having difficulty hearing what you were saying, and so I would like some clarification. Is it already in law that we mandate that student -- that children wear eye protection for hockey because I heard you mention hockey, but I couldn't hear your description.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker. That is correct. Yes.

REP. SAWYER (55th):

So that's law. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

And through you, sir. In the case of bicycle riding for children, I know we mandate helmets. Do we -- do we also mandate eye protection, through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN:

I'm not sure if we have eye protection as far as

helmets for bicycles that you asked, this is something that we're trying to put forward in these paintball facilities because under the current law there is no requirement for that protective eye wear. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Did you hear -- thank you, Mr. Speaker. Through you, sir. Did you hear from the insurance companies. Is it also -- you mentioned the eye doctor, but is it through the insurance companies that would this reduce their liability rates perhaps to these companies and to those that do it on private property. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker. I don't really recall any testimony from the insurance industry, but we did get a number of testimony from a number of medical doctors on that thought that this would cut down dramatically. They said somewhere in the 70 -- Mr. Speaker, I know I have a new hip, but I don't know if

that's what is causing the --

SPEAKER DONOVAN:

Whatever it is, stop it.

REP. DARGAN (115th):

I do not have any control over this, Mr. Speaker.

SPEAKER DONOVAN:

Please proceed, Representative.

REP. DARGAN (115th):

The medical profession said that it would cut down injuries 99 percent.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Through you, Mr. Speaker. So is this particular bill aimed particularly at children? Is it going to be something that's going to be a piece of legislation that would work through adulthood, because what we have found with, say, the bicycle helmet law is suddenly when they turn 15 years 11 months they're still supposed to wear a bicycle helmet.

They turn 16 and poof, they don't have to. And we have adults that we know have severe problems with TBI and other injuries -- eye injuries as well. And we do not mandate eye protection in that situation.

So I was interested that this particular industry, this particular activity that we know that a lot of young people enjoy. Have we singled this out as a -- as a spot where we're going to focus on this eye safety? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Yes. I think that's a good point that you bring up. Excuse me. I think what we're just trying to get along to the youth if they are using or playing these paintball games that they should use that protective wear. They should wear goggles and, or helmets.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman for his answers. Certainly eye safety is something that should be an important part of taking care of our young people, but also as far as adults, but I get very wary about mandating this type of thing in the case of someone that already wears glasses.

So I'd just like to clarify that part. Someone

who already has a prescription situation and they prefer to wear their own glasses, would that be covered under this? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

I think the concept is to wear some form of protection, and if that's in the form of goggles or some other type equipment that you might have, it would be advisable to wear that when you play these games. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. So you're understanding is that the protective goggles be worn on top of prescription glasses that they already have? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Sawyer.

REP. DARGAN (115th):

I would agree with that. Yes.

SPEAKER DONOVAN:

Representative Sawyer. REP. SAWYER (55th):

Mr. Speaker, and I thank the gentleman for his answers and for the clarifications.

SPEAKER DONOVAN:

Thank you, Representative. Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. If I might just ask a few questions for clarification through you.

SPEAKER DONOVAN:

Go ahead, Representative.

REP. MINER (66th):

Thank you, Mr. Speaker. Mr. Speaker in Section 2, lines 19 and 20, there's language in here that talks about lack -- at least the way I read it -- the lack of activity on the part of someone responsible for someone under the age of 18 making them wear glasses as not being contributory negligence -- considered to be contributory negligence.

Through you, not being an attorney -- if my son was playing at someone else's house and they were participating in a paintball match, and I had failed to direct my child to wear glasses, is that what this is trying to get at? Through you.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. I had that same question, and I asked to the esteemed Chair of Judiciary on that specific issue there as far as the admissibility and civil action. And there's really no penalty on this. It's more -- this bill is more of awareness of a safety issue than it is dealing with a penalty. Through you.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I understand the gentleman's point with regard to the penalty phase, but on line 21 it talks about a civil action and understanding in the state of Connecticut that some people always want to make somebody else responsible for their action or inaction.

As I read this, it seems to me that if -- if I failed to instruct my child to put glasses on and he was playing at your house and something happened, you couldn't raise that as point when it came to the civil action phase. Is that correct? Through you.

SPEAKER DONOVAN:

Representative Dargan.

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REP. DARGAN (115th):

Yes. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

And so, in terms of negligence and responsibility, then the default becomes yours as the property owner. Is that correct? Through you.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

I would say the answer would be yes. Through you.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER:

Thank you, Mr. Speaker. That's what I was afraid of. I think there's been a long-standing history in this state where recreation not for a fee, whether it's hiking or playing football or anything like that has been historically a protected provision for the State of Connecticut where it's not easy for someone to bring a claim against someone else.

In the circumstance where an individual charges

for that right, if we want to have a football game at Representative Dargan's house and he wants to charge us all five bucks, then I think there's a fee, and I think that's a different level of classification.

Someone could correct me if I'm wrong.

But what this is doing, I believe, is it's setting up a circumstance where poor Mr. -- Representative Dargan wouldn't even be able to make the claim that I failed to instruct my child to put the glasses on even if he didn't know what was going on. And that's really the only concern that I have about this bill.

I think the intent of the bill is very good. I think the provision recognizing that especially in the case of a for-profit entity that there should be some instruction is wise. But this section here seems to me to set up some liability which doesn't currently exist.

And because of the fact that you couldn't even provide the information as being admissible in a civil action, I think you're going to take on a lot of responsibility as a homeowner. And I'm probably not going to support this for that reason. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative. Representative
Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. If I may ask several
questions to the proponent.

SPEAKER DONOVAN:

You may, Representative.

REP. HETHERINGTON (125th):

Thank you. Section 1 places an obligation on a
paintball facility. Section 2 proscribes --
prescribes, rather, the requirement for individuals.
And Section 2 explains what the penalty is or is not.
Section 1 doesn't, and I wondered what is the penalty
for a facility that does not observe the requirements
set forth in Section 1. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. Even in Section 1 --
even to facility operators we did hear testimony from
some of the facility operators that stated they
already do this at those facilities. Everyone there
needs to wear eyeglass protection.

The problem -- I guess what has happened is outside the establishment that runs these games where some of the issues came in where people were playing either in their backyard or out in the woods. But as far as to paintball facilities, they already do a number of things -- this bill already. So as far as I'm aware there is no penalty for a paintball facility. Through you.

REP. HETHERINGTON (125th):

I see.

Representative McCluskey in the Chair.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. And in Section 2 the verbal warning that an officer may issue, what -- what would that warning consist of? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. Through you, that the

parent or guardian should have their child or children wear eyeglass protection. Through you.

REP. HETHERINGTON (125th):

Okay.

DEPUTY SPEAKER McCLUSKEY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Thank you, Mr. Speaker, and I thank the proponent.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks. Will you remark further on the bill? The distinguished vice chair of the Insurance Committee, Representative Megna, you have the floor, sir.

REP. MEGNA (97th):

Thank you, Mr. Speaker. Just a couple of questions to the proponent of the bill.

DEPUTY SPEAKER McCLUSKEY:

Please proceed.

REP. MEGNA (97th):

Through you, Mr. Speaker. Is it lawful for the children to use these paintball guns in public parks?

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker. As far as public parks, I would not like to comment on that because one of the municipalities might have an ordinance against these paintball in specific parks. So I can't comment on what ordinance they might have within our 169 communities throughout our state, so I don't have the answer to that because some communities might outlaw them within public parks within our cities and towns. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Megna.

REP. MEGNA (97th):

Okay. And just one follow-up question, Mr. Speaker. Can -- can -- so from what I'm hearing, does that mean that any municipality in the state of Connecticut can establish an ordinance that can prohibit the use of paintball guns in any of their public parks? Is that true? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

I would say, depending on their form of

government within that specific town and what type of setup they have, whether it's RTM, common council, board of alderman, that they would have the right to put together an ordinance prohibiting them in public parks.

DEPUTY SPEAKER McCLUSKEY:

Representative Megna.

REP. Megna (97th):

Thank you. Mr. Speaker, I just want to clarify the question -- my question is can any municipality through their -- through their local government prohibit the use of paintballs in any of their municipally owned public parks? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

I would say yes.

REP. MEGNA (97th):

Okay.

DEPUTY SPEAKER McCLUSKEY:

Representative --

REP. Megna (97th):

Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you sir for your remarks. The honorable ranking member of the Housing Committee, Representative Miller, you have the floor sir.

REP. MILLER (122nd):

Thank you, Mr. Speaker and good morning. One question, please, through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Please proceed.

REP. MILLER (122nd):

Protective eye gear -- would eyeglasses cover an adult? Would that be protective eye gear? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

In my opinion I would say no because I think that you would need something stronger as far as the goggles that they use when they do play these games. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, and the reason I ask is a friend of

mine playing with children in New Hampshire had his eye -- lost his eye because of a paintball gun. Unfortunately when he had his glasses on they slipped a little bit, and it's just one of those one-in-a-million kind of episodes where the young man who was shooting the paintball gun let loose with a barrage of paintballs and caught him in the eye. The glass was just below his eye and he could lose his eye. But -- so that a protective eye glass should be something that should be like a goggle that is actually around the head with a -- you know rubber band that holds it tight to the eye area. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker. I agree with that.

Yes.

DEPUTY SPEAKER McCLUSKEY:

Representative Miller.

REP. MILLER (122nd):

Thank you, Mr. Speaker. And I appreciate the answers and thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. The Honorable Ranking Member of the Finance Committee, Representative Candelora. You have the floor, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I might just a question to the proponent of the bill.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I just -- I wanted to pose a hypothetical in this bill. If an individual is playing paintball and is doing so by trespassing on public property or in private property, and they're injured, they're struck in the eye with a paintball and they're actually injured as a result of that, and that person that's injured then turns and brings a civil action against either the property owner or municipality, while of course the property owner could defend based on the premise of trespass, would they also, however, be able to assert in a defense that the person themselves was negligent as a result of failing to wear eyewear? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. Within the bill I don't think it would be contributory negligence, but there might be other admissible issues for civil action. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I just ask that question because it makes sense that if the property owner has a duty to somehow protect a person whose using the paintball equipment, it would make sense that they would not be allowed to defend an action based on the fact that the person failed to wear the eye gear.

But I would think in the situation where a property owner has no knowledge that this person may be on their property playing paintball, especially in our public parks, which are fairly vast, or even somebody who owns a large tract of land, that those individuals would not have a duty to make sure that these individuals are wearing paintball goggles while they're playing. So I would think in situations such as trespass where the property owner doesn't have

knowledge that the person is partaking in the activity, I don't think they should have a duty to make sure that those people are playing safely.

So I think maybe going forward, next session we could look at this and create some kind of protection for those owners who have no knowledge that the activity is being played on their property. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks.

Will you remark further on the bill?

The Honorable Ranking Member of the Insurance Committee, Representative D'Amelio. You have the floor, sir.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker, and good morning to you. I have a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, sir.

REP. D'AMELIO (71st):

Thank you. Representative Dargan, in the bill it calls for anyone under the age of 18 that goes to a paintball facility to be instructed or certified under

a -- I believe a person under the facility that's licensed to do so. What type of certification would someone under the age of 18 need in order to participate at a paintball facility?

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Thank you very much, Mr. Speaker. From what I know from the operators of these paintball facilities, they show a short presentation on the proper use of the equipment. They also have verbal instructions from the facility staff when they play the games, and they also have a short written or oral examination of the safety measures and the equipment and the correct and incorrect responses to the game that they play. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

But I believe it's in the legislation -- it calls for a certification to be given to someone under the age of 18, and if so does that mean if this minor is certified then there's like a card that's given to him and he can play in every paintball facility, or every

time he visits a facility does he have to go through the certification? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. To the best of my knowledge, you're correct. There is a certification issued to that individual and it's good at facilities throughout our state. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

And if you're certified, does that mean you don't have to keep going through the program at different facilities. Is there a card that's handed out to these individuals? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Through you. Yes. That answer's yes. There is a certificate that's issued to that individual after he or she completes this program.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

And through you, Mr. Speaker. Is there going to be a fee for this? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (71st):

Through you, Mr. Speaker. I'm not aware of the fee. There is a fee to play the game at these facilities, and that's incorporated within the cost of that -- of that facility. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Okay. Thank you, Mr. Speaker. And one other question. If you ever go to a paintball facility the bill calls for safety glasses or goggles to be worn, but if anybody is -- if anybody knows anything about paintballing, there is a tire that's sold. It's a complete face mask. It covers your entire face, your ears, your entire head is covered. Is this -- would that mask that's sold particularly for paintballing, is that certified under the American Society of Testing the Materials? The bill specifies that any proper eyewear must meet that standard. Do you know

if those masks meet that standard? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Through you, Mr. Speaker. As far as the helmets that you talked about, I'm not aware of that. But as far as the protective eye protection, it is certified under the American Society of Enforcement Officials. But as far as the helmet, I can't answer that.

Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. What I'm describing, Representative Dargan, is -- in many cases, when you purchase paintball guns, this facial mask comes with the equipment that you purchase. And if you go to any paintballing facility out there, everyone uses the same type of mask.

And I just want to make sure that, if this bill passes, that -- I mean, this gear that is being used now is in full protection of your entire head, your ears, your cheeks. I just want to make sure that

we're not undoing that. I mean, I don't know if these paintball masks meet this American Society of Testing and Materials. If they don't, it's a lot more dangerous just to have goggles on than this entire mask. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Yes. Through you. Thank you, Mr. Speaker. That is a good question. I think the number one issue is safety; safety of the individual. The more protective eye wear or helmets that they wear, the less cause of injuries.

And as far as I'm aware that -- I know what my good Representative is stating. If we're putting new law into effect with these helmets that are already used, would they be in violation of the law, and I would say that answer would be no. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Okay. Thank you, Mr. Speaker. Thank you, Representative Dargan. Mr. Speaker, I'm going to

oppose this legislation today. I've been enjoying paintballing with my son for about three or four years now. It's -- you know when my son really wanted to get involved with this sport, I was a little reluctant, but these paintball facilities are safe facilities. I have never witnessed anyone that's participating without some type of -- without a face mask. I've never witnessed someone out there with just goggles on.

A matter of fact, I have never seen anyone participate without full chest protection and arm and thighs and knee protection. You know, and most of these facilities demand that. And as far as safety, I think they do an adequate job of providing videos now and instructions. There -- it's well-supervised.

So I really don't see the need of this bill. Outside of these facilities, Mr. Speaker, I don't think any of us can control what goes on in people's backyards. I've participating -- participated in many paintball events in my cousin's backyard and other friends that are into this sport, and I'll tell you, if you don't wear the proper protection, you'll definitely feel the sting of a paintball.

So I don't really need -- I don't really see the

need or see why this bill is here or what it's really going to do in protecting our youth because that's not already being done now. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir for your remarks. Will you remark further on the bill? The Honorable Representative from Naugatuck, Representative Rebimbas. You have the floor, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, through you to the proponent of the bill, I just have several questions.

DEPUTY SPEAKER McCLUSKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. I'd like to provide two scenarios regarding this bill that I've been kind of thinking and speaking with my other fellow Legislators regarding what could possibly happen as a personal -- as a person who owns private property as a result of the enactment of this bill. For example, in this bill it says that you're not able to exercise your legal right of contributory negligence in a civil action, which is a typical right that you have in a personal

injury action if, in fact, that is one of the factors in it.

So for example, if I am home on my property and my neighbor's children come over to my property and they're playing paintball, and I notice that they do not have the protective eyewear, gear that is being required by this bill, I have the obligation to go up to them and remove them from my property or make sure that they have the appropriate eye safety wear. And that's completely understandable under this bill because again safety is first.

My question to the proponent of the bill is, if I happen to be up here in session at the Capitol, and I am not home, and nobody is at home on my personal property, and my neighbor's children happen to be on my property playing paintball, whether or not they're supervised by their parents, I have no idea because I'm up here. But if one of those children on my property are injured because they do not have the required safety gear under this bill; this bill is indicating to me that I cannot -- once they -- actually let me back up a little bit. So they bring a personal injury, civil action lawsuit against me regarding their injury on my property while I'm not

home.

This bill would -- what, in effect, it's doing is it's preventing me in a court of law to defend myself by saying that they are contributively negligent, whether they or their parents, if they're minors, for being on my property, trespassing without this proper eye gear -- is -- or required gear in and of itself. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker. Underneath the contributory negligence they -- dealing with the issue of eyewear, underneath this bill there would not be civil action, but there -- in some instances there might be other areas that they might be able to take civil action dealing with this issue. Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Through you, Mr. Speaker. If the response could be articulated once again, unfortunately I didn't quite understand it. Because if those children or their families choose to bring a personal injury

action for their injuries on my property when I'm not there, I should have the right for a contributory negligence either based on the parents lack of supervision of those children or those children being on my property not properly geared up for paintball.

What other civil -- what other action is the proponent proposing or -- again I would like an acknowledgment that, in fact, my rights are being limited in that regard. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Again, I don't think that anyone would not be able to bring some sort of civil action, but with the issue of eye protective devices, there would not be any contributory negligence just dealing with that issue alone. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker. What is the purpose of limiting my legal right to bring contributory negligence based on a lack of eyewear? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

Yeah. I think that the -- we're just trying to get some public policy awareness of the protection of eyewear dealing with these games because with some of the testimony that I've heard and doctors that I've talked about, I think that we, as a Legislature are trying to protect as many of you that use or play these games within our state. So that would be my comment. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, I do acknowledge that it would be good public policy to have that the children wear eyewear, certainly under my supervision or anybody else's supervision. I'm trying to determine what the public policy is that if, in fact, I am not home on my property and there are children trespassing and playing paintball without eye gear, what is the public policy for that? Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Dargan.

REP. DARGAN (115th):

As far as I know, there is no public policy.
Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. As I indicated earlier I did vote against this bill in Committee, and I was hoping that the language would then somehow be modified so that I would be able to support this. I'm not exactly sure how I will be voting on this.

I think the public policy of requiring children to have eye gear that is going to protect them is certainly a good one. Certainly whenever there is supervision or even lack of supervision, I think these are probably similar to having alcohol in the home or weapons that it should be secured in a location where children cannot get to it when the parent is not present.

However, again, if it's a neighbor or anyone else trespassing on your property and you're not there to supervise them and the games are not provided by you -- those -- obviously those toys if you want --

for lack of better word, the paintball equipment is not provided by you, you are not home to see any trespassers coming onto your property, our rights should not be limited in that regard. And again it was acknowledged that there is no public policy, so I will certainly have to reserve my decision on this bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on the bill? Will you remark further on the bill? If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your votes are properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally. Will the Clerk please announce the

tally.

THE CLERK Senate Bill 825 in concurrence with the Senate.

| | |
|-----------------------------|-----|
| Total number voting | 136 |
| Necessary for Passage | 69 |
| Those voting Yea | 106 |
| Those voting Nay | 30 |
| Those absent and not voting | 15 |

SPEAKER DONOVAN:

Bill is passed.

Are there any announcements or introductions?

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the Chamber, I have some sad news to report. Over the weekend we lost a member of our House family. Our House messenger, Pat DiMatteo passed away this past Saturday. For those of you who remember Pat, he graced the hall of this House for several years.

He had an infectious smile and a wonderful personality and a love for life. He's survived by a wife and children. And he worked for Seamless Rubber Company for quite some time, the Upjohn Company for quite some time before coming to the House. So it is

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REP. LARSON: Why wouldn't you report back to the -- to the town instead of the board of education? They're effectively the funding source.

ROBERT ROCKWELL: That is -- that is correct. We were looking for certain -- certain fire marshals, because there was no direction in your own municipality, were -- we call it an abatement order when we find a violation -- were abating the maintenance supervisor, per se, and now the school system has no idea what's going on within their school, and I think this was a way of let's bring it to the board's -- chairman of the board or board of education and let them see what they have, and then they can work it down to maintenance.

REP. LARSON: Thank you. I think it's a good idea.

REP. DARGAN: Further questions? Representative Perillo.

REP. PERILLO: Thank you, Mr. Chairman, for the second time. Just a brief follow-up on Representative Larson's question. The municipalities are indeed the funding source for the schools, but I believe -- and you correct me if I'm wrong -- the boards of education are responsible for the maintenance of those schools. Is that correct?

ROBERT ROCKWELL: That is correct.

REP. PERILLO: Thank you.

REP. DARGAN: Further questions from committee members? Thank you very much for your testimony.

ROBERT ROCKWELL: Thank you for your time.

REP. DARGAN: The next speaker is Melissa Smith. Melissa, I have to apologize. I just went over your name, so you get an extra minute.

MELISSA SMITH: I come before you in regards to Bill 825, An Act Concerning Paintball Safety. Unfortunately, I did not -- I turned my testimony in a little bit late, but I was able to grab something that I really wanted you guys to see because it affected me directly, and the reason why it did was because this happened to my son when he was hit with a paintball gun in his eye. He is now permanently blind in his right eye. He has gone under two surgeries, he's on his way this month for his third and pending another one for the back of his eye. Also, he has a permanent stitch in the front of his eye, and he has lost the opportunity to ever serve his country, he has lost the opportunity to do many jobs that he might have looked for in the future, which included being a professional baseball player, his dream since he was five, and he was supposed to be drafted last year when this happened. So I did not come before you with a testimony, a written statement that I could read. This is coming from my heart because I want -- I started Connecticut Parents Against Paintball Guns. I've been in the media, I have talked to the newspapers, I've been on WTNH in regards to this.

If I can prevent another child or another family from going through what I went through, and every day that I look at my son I see a stitch in his eye for the rest of his life, if I can stop that, that's why I'm here before you today, because I don't -- we all have children or we all have grandchildren, and

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people don't understand that paintball guns are weapons. Here under the statute, it says that anything that shoots a fire or shoots is a weapon. So why are paintball guns not considered a weapon? I would like an answer to that question because even in the bill it's basically related to facilities, it's not related to homeowners.

Why is -- this was done in a backyard party. This was not done at a facility. And this was done where I brought my son to be supervised, and the parent did not supervise him or the party. And there was a break during the game, and another kid let off a shot 18 feet away -- that's at 300 miles an hour -- he was shot in the eye. He is lucky to have an eye today.

And I would like this bill to be passed and also have it affect the homeowners, and I also would like these paintball markers, as they're called, to be locked up with every other gun in Connecticut because that's exactly what it is under the statutes in Connecticut. I've waited 11 months and I've worked very hard because of watching this, and from September to December there were nine other injuries from paintball guns per the Hartford Courant. Not only that, I have a story in here that right after I ran the story about my son, the very next day the one-year-old in Guilford shot in the face by a 14-year-old boy that was arrested.

There is a need to secure these weapons, and that's why I am here for this bill, and I would like that to be added to the bill if possible. I want them secured at the stores, not just sitting on a shelf.

And I thank you for the opportunity to sit in

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front of you and talk to you and discuss my story.

SENATOR STILLMAN: Thank you. Thank you, Melissa.

MELISSA SMITH: You're very welcome.

SENATOR STILLMAN: And our -- our best to your son and his future and hopefully he will have a bright one in front of him. He certainly has a great advocate.

MELISSA SMITH: Thank you very much.

SENATOR STILLMAN: You said -- do you have any written testimony with any suggestions?

MELISSA SMITH: I brought a boxful.

SENATOR STILLMAN: Okay. We'll get them later then. Don't worry.

MELISSA SMITH: Yes, you'll get them later.

SENATOR STILLMAN: Okay. Thank you.

MELISSA SMITH: And I also brought -- I do have -- I stole it out of the box -- something from his Dr. Schwartz --

SENATOR STILLMAN: I believe we have that.

MELISSA SMITH: -- that he came back from vacation on Monday and wasn't able to be here today to sit next to me and support me through this.

SENATOR STILLMAN: Thank you. You did you a great job, so --

MELISSA SMITH: Thank you.

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SENATOR STILLMAN: -- you certainly didn't need the moral support. You know, I think -- I know personally I had no idea, you know, I only know about the fun times that some people have with it, and I had no idea how -- how fast that paintball travels, number one, and, number two, that apparently the fact that this particular activity needs a little more attention and supervision. It would be a little difficult to enforce something in someone's backyard, but there is language in Section 2 about selling it to someone unless they have a helmet and it says -- so we'll look at that particular issue.

MELISSA SMITH: Okay.

SENATOR STILLMAN: So thank you for bringing that to our attention.

MELISSA SMITH: Right. Thank you very much.

SENATOR STILLMAN: Anyone have any questions for Melissa? Representative Larson, followed by Representative Sayers.

REP. LARSON: Not so much a question, but thank you for coming to testify. I know that it's -- it's very, very personal to you, and this can sometimes be a very daunting arena, but it's meant for precisely what you're here to do, and that's to advocate for your issue. So I'm very happy that you took the time to fill us in, and I appreciate your testimony.

MELISSA SMITH: Thank you very much.

REP. LARSON: You're welcome.

REP. SAYERS: Thank you. Is there any requirement that they wear some kind of safety glasses?

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MELISSA SMITH: Well, when you're talking about backyard paint guns, they don't have that requirement, but they're supposed to have that supervision. Like my son, his -- his stepdad was an ex-Navy seal, and he trained him on how to use the weapons and a mask, and so on and so forth, but it doesn't take your child, it can take somebody else, and then you're not responsible for that other person, and that's what happened to my son. And I can't control that. And it was during a break. This kid should have never been able to -- he should have never shot his weapon. The gun should have never went off.

REP. SAYERS: Thank you.

MELISSA SMITH: You're welcome.

SENATOR STILLMAN: Thank you. Anyone else? Thank you very much, and thank you for waiting as well.

MELISSA SMITH: Thank you very much for your time.

SENATOR STILLMAN: Next is Matt Hallisey, followed by Joyce Wojtas.

MATTHEW HALLISEY: Good afternoon Senator Stillman and members of the public safety committee. My name is Matthew Hallisey. I am director of government relations and legislative council for Connecticut Construction Industries Association. And with me today is Ken Smith of M.D. Drilling and Blasting, a CCIA member. Ken is a technical supervisor with M.D. Drilling's Atlantic division in Milford, Mass. We're here to testify on behalf of CCIA on two bills before you today, House Bills 6324 and 5567. We've submitted written remarks on both

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their license fee is going to double if this budget goes through the way it is.

We'd appreciate your support for this. We don't feel as though there's a fiscal impact. If anything, there's a positive fiscal impact because the enforcement, that end is not taking place today to any extent, so this would all be new revenue for the municipal building departments and for the State of Connecticut, who will get the other 50 percent of the fine.

Thank you very much.

REP. JUTILA: Good timing. Thank you, Joyce.

JOYCE WOJTAS: You're welcome.

REP. JUTILA: Questions by any committee members?
No questions? Thank you.

JOYCE WOJTAS: Thank you.

REP. JUTILA: Next speaker will be Nick Morrione,
followed by Chris O'Grady.

NICK MORRIONE: Good afternoon members of the committee. My name is Nick Morrione, and I'm the owner of Hogan's Alley Paintball. We're a commercial paintball field in Meriden, Connecticut. We employ over 25 people, and we service thousands of paintball players each year. We've been operating for over ten years and never had any serious injury.

I appreciate the opportunity to represent my organization on the matter of Bill 825 regarding paintball safety. I am against this bill. About 70 percent of our players are under 18. Section 1 requires that

participants under the 18 years of age mark have safety instruction that may include a video presentation, verbal instruction and examination. This section is redundant to the ASTM standard practice for paintball field operation that paintball fields already follow. Section 4.2 of those standards read: Prior to paintball -- prior to the first game of the day, every player shall be given a formal briefing on safety rules, risk of injury, game rules, field orientation and equipment operation.

Our safety briefings get to be tailored to the needs of the group we are speaking to at the time. Because paintball players come in at all hours of the day, all day long, having a lengthy safety briefing with a certificate issued at the end of it is going to be very cumbersome. This will reduce the amount of players playing at our supervised paintball field and will increase the number of paintball players playing on private property or public property where the risk of injury will be much higher. In tough economic times attendance suffers simply because people don't want to pay to play at a commercial field. If we start to add unnecessary regulations that affect play only on the commercial fields, more people will play on private property and the community will suffer. Games played outside of commercial paintball fields almost never conform to the safety standards that we enforce. If this bill were to pass, it is my opinion that it would become burdensome for the young players to play at commercial fields and would then seek unsupervised play.

In Section 2 part a, it requires that all paintball players provide proof of purchase of a helmet. A helmet is unnecessary. The ASTM

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has set standards for safe paintball play headwear. This headwear is a full face and ear coverage mask. It doesn't provide the coverage of a helmet. The ASTM also mandates that all paintball markers and boxes of paintball sold have clear warnings printed on them to stress the need of the proper ASTM approved headwear. When dealing with an ever increasing amount of Internet shopping, adding restrictions only to the local sales of paintball markers is going to be damaging to our economy. Section 2 part b will cost the taxpayers more by having the state enforce this unneeded act and opens the door for additional regulations that will hurt the only safe places for people in the state to play.

In closing, I feel that this bill should be not passed due to the high standards we already employ that have provided the state of Connecticut 25 years of safe paintball play.

REP. JUTILA: Thank you.

Questions by any committee members?

Representative Clemons.

REP. CLEMONS: Thank you. Good afternoon.

NICK MORRIONE: Good afternoon.

REP. CLEMONS: A couple of quick questions. How many members are in your organization that are under the age 18, and second would be have you incurred any head injuries in the 25 years that you've been operating?

NICK MORRIONE: Well, we personally haven't been operating 25 years, but there has been an organized paintball field in the state for 25

years. We have been operating for over ten. And when you refer to younger members, are you talking about season pass-holder players or are you talking about my staff?

REP. CLEMONS: Pass players. You mentioned that this bill would require that anyone under 18 --

NICK MORRIONE: Anyone under 18.

REP. CLEMONS: -- would have to -- this bill would affect those, so that's why I'm asking how many, how many people, participants or members that are under 18 now?

NICK MORRIONE: Well, in 2008 we served over 5,000 paintball players. 70 percent of them were under 18, so that's the majority of our business. And as far as injuries go, like I said, we have had no serious injuries, head or otherwise, on our paintball field. In the ten years that I have been running my paintball field, the most extreme injury we've ever had is a skinned knee.

REP. CLEMONS: Thank you. Thank you very much.

REP. JUTILA: Thank you, Mr. Morrione.

Our next speaker will be Chris O'Grady, followed by Dr. Andrew Packer.

CHRIS O'GRADY: Well, to start with, I'd like to say thank you very much for the opportunity to testify. A few minutes ago I believe it was Mrs. Smith that testified about her son being shot in the eye with a paintball, and I pretty much can tell you -- I can speak for Nick on this as well -- we're pretty -- pretty horrified by that possibility, you know, that

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somebody could get hit in the eye. I operate a paintball field in East Hampton, Connecticut. It's likely you may know someone who's played there. Over 25 years we've had 80,000 players play there, so it's been quite a long time.

As -- as Nick had stated, we at our field, we feel we're the safest place for people to play, and I think that kind of goes to the -- to the root of the issue. It's likely that those folks who hosted that paintball game where the son had been injured may have decided to hold their open game because they wanted to avoid the cost, and the cost, of course, is tied to the supervision of the games. During the time that we've -- we've been open, we've had an excellent safety record. I think in the 25 years we've only had one eye injury, sometime in the late '80s, I don't have the exact record of that, and that was when an adult, not a child, had taken his goggles off, which kind of brings up a good point, that -- excuse me -- Nick had already -- already had mentioned about the ASTM requirements as well as our insurance requirements. Not only do we provide these safety briefs to players that are minors, it's supplied to everyone because, you know, it doesn't matter what age you are, people aren't always exactly smart about what they do, and we have to go through those safety briefings. Otherwise we wouldn't be qualified for insurance at the fields. So obviously I'm out here to testify against the bill as written, and I'll go over a couple quick reasons why. I did provide some written testimony there, and as I said, we've been operating for over 25 years. We are fully insured and we strictly enforce our safety rules on -- on the field. I appreciate this opportunity to

discuss this.

A couple of the points that I'd like to make is that the bill is redundant to requirements we already have in place that we have to administer. It puts Connecticut retailers at a disadvantage, and we're out there every day trying to fight off the Internet, the big-box stores, that type of stuff just to stay in business. And you can use kind of an argument, we all know you have to wear -- wear a helmet when you're on a bicycle now or a skateboard, a similar situation. We don't require people to buy helmets every time they buy a skateboard. It would be very difficult for us to enforce those types of things, not only affect us from a competitive point of view, and frankly the bill as written is directed against the wrong population of players. It's not the players that are being supervised properly that we need to be worried about, but the folks who are out there playing in their backyard, and that's pretty much what I have to say.

REP. JUTILA: Thank you. Questions by any committee members?

Okay, thank you, Mr. O'Grady. The next speaker will be Dr. Andrew Packer, followed by Tom Ghee.

No Dr. Packer. Tom Ghee?

THOMAS GHEE: Forgive me if I'm a little redundant, and certainly I will be. I was just made aware of the existence of this bill on Sunday evening. My name is Thomas Ghee. I'm a resident of Milford, Connecticut. I'm also the president of the Paintball Buying Group, and I'm a longstanding consultant specializing

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in the specific needs of the paintball industry. I've been playing since 1983 and have been professionally involved in the sport and the industry since 1985. I've just returned from the annual industry trade show, and I attended meetings with Paintball Sports Trade Association, with tie-ins with the Sporting Goods Manufacturing Association. It's chiefly about some of the bills that -- some of the issues that Bill 825 seeks to address.

I want to thank the committee for their time and interest in this issue. It's the current project of all these committees to continue to modify and refine some of the standards that Nick and Chris had referred to. I want to address some of the possible impacts this bill would have versus spirit, what the bill is intended to do on the sport of paintball in Connecticut. Legislation like this, like governing commercial fields could very well have, as stated, the opposite of the desired effects as the overwhelming majority of all eye injuries that it's trying to prevent occur when people are indeed playing in open space or private properties. Every commercial field in Connecticut currently has safety rules and provide for paid supervision enforcement, not to mention the support services and comforts surrounding the playing of the game. Private property and open space, few, if any of these other services are available, as well as the enforcement of safety.

To the second point on the bill, a goggle requirement at the retail level would very likely take business away from the paintball specialty retailer as well as the mass merchants in Connecticut and would certainly be devastating to the gift purchasing which so

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many of these retailers rely on, which could easily drive purchasers to unregulated online merchants and mail order. The net effect of this bill in Connecticut could well be a greater incidence of the eye injuries it's intended to minimize and take away the largest sales tax revenue base from the paintball activities from the state. Thank you very much.

REP. JUTILA: Thank you.

Questions from any committee members?

Senator Stillman.

SENATOR STILLMAN: Thank you, Representative. Sir, can you -- how many commercial paintball facilities are there in Connecticut? Do you have any idea?

THOMAS GHEE: Currently I believe there are three, two of which are represented here today. I know there's another in Milford, Connecticut. It's an indoor facility.

SENATOR STILLMAN: Because I know there's one in Waterford.

THOMAS GHEE: I'm not aware of it, no.

SENATOR STILLMAN: Okay.

THOMAS GHEE: Unfortunately -- unfortunately, due to the economic times, I could have -- a few months ago there would have been many more, actually, but I'm aware of some having closed down recently.

SENATOR STILLMAN: Okay, thank you.

Testimony of the Connecticut Society of Eye Physicians

On SB 825 An Act Concerning Paintball Safety

Presented to the Public Safety Committee

by Andrew J. Packer, MD

Feb. 10, 2009

Good afternoon Senator Stillman, Representative Dargan, and members of the Public Safety Committee. I am Andrew Packer an ophthalmologist (retinal specialist) practicing in Hartford representing the Connecticut Society of Eye Physicians and our 300 members to support SB 825 An Act Concerning Paintball Safety.

As eye physicians and surgeons, we treat eye injuries but must also do our best to prevent the occurrence of these injuries. For example, an effective campaign in the 1970's lead to prevention of 99% of eye injuries in ice hockey by mandating face shields in recreational, high school and college leagues.

Unfortunately, current regulations have not protected the citizens of our state (especially children) from blinding injuries caused by paintball guns. These "toys" propel a marble-sized gelatin capsule filled with dye at speeds exceeding 200 mph. In a way, they are more dangerous than BB guns as they are purposely aimed at other individuals. Though polycarbonate protective goggles and helmets are effective in preventing eye injuries, eyewear alone is not enough; reports in the medical literature show that one quarter of the eye injuries occur when masks are removed for fogging or splattered paint or when participants thought that they were in a time-out area. Education of the risks of injury with improper supervision or play is absolutely essential.

Innocent bystanders can be injured accidentally and malicious "drive-by" shootings (particularly at Halloween time) can also cause permanent, blinding injuries. At a local department store in Hartford, anyone can purchase a paintball gun (with CO2 cartridges and a supply of paintballs) for \$18.83; helmets or eye protection are not provided.

We have seen dozens of devastating eye injuries in our practice during the past 10 years, mostly affecting children under the age of 18. These include ruptured globes, hemorrhages within the eye, retinal detachments and traumatic cataracts. These injuries often require one or more surgical repairs and even when successful, leave permanent visual damage.

It is our hope that this legislation will reduce these injuries by insuring that all paintball guns sold have available protective head gear and that participants in these games as well as anyone with access to these guns are aware of the danger of improper use. We support this because of our concern for the health and safety of all, but especially our children who are clearly the most vulnerable.

Thank you for your time and attention; I would be happy to answer any questions.



TJ

East Hampton, CT

Date: 2/10/2009

From: Christopher P. O'Grady
Vice President
Strategy Plus Paintball

Subject: Testimony to the Public Safety and Security Committee regarding Raised Bill 825

Strategy Plus is the oldest continuously operating commercial paintball field in the world. Operating safely for over 25 years. We are fully insured and strictly supervise all of our operations. I appreciate this opportunity to testify before this committee concerning Paintball Safety.

Raised Bill 825 "AN ACT CONCERNING PAINTBALL SAFETY"

Raised Bill 825 is a) redundant to paintball industry safety standards and operating procedures, b) puts Connecticut Retailers at a severe competitive disadvantage in these tough economic times, and c) is wrongly directed at commercial fields, the safest areas of play.

Section 1:

- Safety Briefs are already a requirement and in place for our participants. These briefs cover game rules, safety and equipment operation. A commercial field can not be insured without adhering to these strict safety procedures.
- Written examinations and video presentations are burdensome, costly and counter productive outdoors.
- Certification would be costly for our commercial field to track and maintain since many of our players are recreational, playing just once.

Section 2:

- Requiring purchase or proof of a prior purchase of a helmet will put Connecticut Retailers at a disadvantage when competing with out of state retailers, mail order and internet companies. Consumers will be able to buy these products freely from these other sources without adhering to these requirements.

I urge the committee to take *no action* on Raised Bill 825

If you have any questions, please do not hesitate to call on me.

Thank you,

Christopher P. O'Grady
(860) 536-0645

**Testimony of the Connecticut Society of Eye Physicians
On SB 825 An Act Concerning Paintball Safety
Presented to the Public Safety Committee
by Debbie Osborn
Feb. 10, 2009**

Good afternoon Senator Stillman, Representative Dargan, and members of the Public Safety Committee. For the record, my name is Debbie Osborn and I am the Executive Director of the Connecticut Society of Eye Physicians, the state society representing over 300 CT Eye M.D.s in support of SB 825 An Act Concerning Paintball Safety.

As eye physicians and surgeons, ophthalmologists treat eye injuries but must also do their best to prevent the occurrence of these injuries. For example, an effective campaign in the 1970's lead to the prevention of 99% of eye injuries in ice hockey by mandating face shields in recreational, high school and college leagues.

Unfortunately, current regulations have not protected the citizens of our state (especially children) from blinding injuries caused by paintball guns. These "toys" propel a marble-sized gelatin capsule filled with dye at speeds exceeding 200 mph. In a way, they are more dangerous than BB guns as they are purposely aimed at other individuals. Though polycarbonate protective goggles and helmets are effective in preventing eye injuries, eyewear alone is not enough; reports in the medical literature show that one quarter of the eye injuries occur when masks are removed for fogging or splattered paint or when participants thought that they were in a time-out area. Education of the risks of injury with improper supervision or play is absolutely essential.

Innocent bystanders can be injured accidentally and malicious "drive-by" shootings (particularly at Halloween time) can also cause permanent, blinding injuries. At a local department store in Hartford, anyone can purchase a paintball gun (with CO2 cartridges and a supply of paintballs) for \$18.83- neither helmets or eye protection are provided.

Ophthalmologists have seen dozens of devastating eye injuries in their practices during the past 10 years, mostly affecting children under the age of 18. These include ruptured globes, hemorrhages within the eye, retinal detachments and traumatic cataracts. These injuries often require one or more surgical repairs and even when successful, leave permanent visual damage.

It is our hope that this legislation will reduce these injuries by insuring that all paintball guns sold have available protective head gear and that participants in these games as well as anyone with access to these guns are aware of the danger of improper use. CT Eye M.D.'s support this because of our concern for the health and safety of all, but especially for our children who are clearly the most vulnerable.

Thank you for your time and attention; I would be happy to answer any questions.



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February 10th, 2009

Testimony by Nick J. Mormone to the Public Safety and Security Committee regarding raised bill 825
 An act concerning paintball safety

Hogan's Alley Paintball is a commercial paintball field located in Meriden Connecticut. We employ over 25 people, and service thousands of paintball players each year. We have been operating for over 10 years and have not had any serious injuries during that time. I appreciate the opportunity to represent my organization on the matter of bill 825 regarding paintball safety.

I am against this bill. About 70% of our players are under 18. Section 1 requires that participants under 18 years of age have safety instruction that may include a video presentation, verbal instruction, and an examination. This section is redundant to the ASTM F1777-02 standard practice for Paintball Field Operation that paintball fields follow. Section 4.2 of those standards read "Prior to their first game of the day every player shall be given a formal briefing on safety rules, risk of injury, game rules, field orientation, and equipment operation." Our safety briefings are tailored to the needs of the group we are speaking to at the time. Because paintball players come in at any time all throughout the day, having a lengthy briefing with a certificate issued after will greatly complicate the check in procedure and reduce attendance. The safety briefing we already do is backed up by supervision of the players on and off the field to enforce our strict safety regulations. In tough economic times attendance suffers simply because people don't want to pay to play at a commercial field. If you start to add unnecessary regulations that effect play only on commercial fields, more people will play on private property and the community will suffer because of it. Games played outside of commercial paintball fields almost never conform to the safety standards that we enforce. If this bill were to pass, it is my opinion that it would become burdensome for young players to play at commercial fields and would seek unsupervised play on private property where their risk of injury will be substantially higher.

In section 2 part a, it requires that all players provide proof of purchase of a helmet. A helmet is unnecessary. The ASTM has set the standards for safe paintball play headwear. This headwear is a full face and ear coverage mask, but doesn't provide the coverage of a helmet. The ASTM also mandates that all paintball markers and boxes of paintballs have clear warnings printed on them to stress the need of the proper headwear. When dealing with an ever increasing amount of internet shopping, adding restrictions to local sales of paintball markers will hurt our economy.

Section 2 part b will cost the taxpayers more by having the state enforce this unneeded act and opens the door for additional regulations that will hurt the only safe places for people to play.

In closing I feel that this bill should not be passed due to the high standards we already employ that provided 25 years of safe recreation for Connecticut.