

PA 11-121

HB6354

General Law	1148, 1150-1152, 1161-1162, 1346	7
House	5359-5363	5
<u>Senate</u>	<u>6562, 6573-6578</u>	<u>7</u>
		19

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 4
1093 – 1441**

2011

2
mb/rgd GENERAL LAW COMMITTEE

March 8, 2011
10:00 A.M.

Okay. So we'll start, and the first one is our new commissioner designee of DCP, William Rubenstein.

Commissioner.

COMMISSIONER WILLIAM M. RUBENSTEIN:

Senator Doyle, Representative Taborsak, Senator Witkos, Representative Rembimbas, and honorable members of the General Law Committee, I'm Bill Rubenstein, Governor Malloy's nominee designee as Commissioner of Consumer Protection. So I thank you for affording me this opportunity to appear before you today.

Included on your agenda are four bills that were introduced by the Department, so let me start with my thanks for agreeing to raise these bills for your consideration. Also on your agenda is Governor Malloy's legislative proposal for the consolidation of four agencies into the Department of Consumer Protection, and I'm privileged to offer my comments in support of that bill as well. And finally, there are a few other matters on your agenda which I will be submitting written testimony for. I'd like to begin with our testimony on the bills that are DCP agency bills and then address the Governor's consolidation bill.

HB6354
SB 985
SB 1089
HB6389

H.B. 6355 CONCERNING UNIVERSAL PRODUCT CODING AND THE LICENSURE OF FOOD MANUFACTURING ESTABLISHMENTS, the bill has two components. Let me first address the section that relates to the problems that we have encountered regarding the inspection and licensing of commercial food processors and storage facilities that are currently not licensed under existing requirements. And the intent of

inspected or approved. Without appropriate registration, it's hard to provide a quick and easy answer, and therefore, there's delay in permitting and processing local food establishments that handle these kinds of food items.

With registration, local officials would have a quick and easy access through our website, or otherwise, to determine whether the source of food being sold in local establishments is registered, properly inspected, and approved.

Finally, the Department has worked with the Department of Public Health and the Department of Agriculture when crafting this proposal, and we thank them for their time and expertise in this matter. We want to make sure that we are operating consistent with the health policy of the state and also that we are operating -- regulating consistent with our -- our support of the farming industry in the state, so both of those commissioners have worked with us on this.

I want to finally address the part of the bill that seeks to make a change in the Item Price Exemption from the current one-time fee to an annual license. And this has to do with the uniform product code requirement that price be stamped on each article, and the exemption from that, currently there's a one-fee time fee that's paid by the 663 current -- currently 663 IPE exempt stores, and the number gets bigger every year. You know, we need to process and inspect those on an annual basis, so what we are proposing is an annual fee rather than the one-time fee that's currently in place.

I'd like to testify -- next testify on House Bill 6354, which is AN ACT CONCERNING THE

PHARMACY PRACTICE ACT AND PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION. And the proposal makes three changes to the current pharmacy statutes. First, we're proposing a change to conform our current practice related to pharmacist testing and associated fees. The present language has been preempted by changes required of pharmacists by the National Association of the Board of Pharmacy. And so since 2007, the association has administered the test that required a pharmacist -- the test required to be a pharmacist, and what this bill is going to really -- actually conform the statute to the current practice, which is best practices for registering of pharmacies.

We also recommend a statutory change to ensure that registration of a controlled substance provider may only be maintained or renewed by an individual who is authorized and appropriately licensed by a state licensing board or agency so that now we will now be able to evaluate whether or not a permittee is on a suspended, revocation, or expired list or there's been other disciplinary action taken against any professional license that the registrant holds. It just adds another valuable tool in determining whether or not a license should issue for controlled substances.

Finally, in our effort to improve efficiency and reduce costs, the Department proposes amending the statutes to provide for a biennial rather than an annual license for pharmacists. We propose to double the license fee from \$60 annually to \$120 biennially, and we expect we can save processing costs in excess of \$5,000 a year in paper and postage savings as a result. And we don't think there will be any public safety problems with doing

that.

Next, I would like to address Senate Bill 985 AN ACT AMENDING THE LIQUOR CONTROL ACT. This proposal makes five separate changes within the Liquor Control Act. It makes permissible for institutions of higher education to make and dispense wine and appropriate wine tasting and/or wine education classes. Second, it permits a café-permit holder to be open for business for the service of food only as of 6 a.m. in the morning rather than currently the 9 a.m. requirement when they can start to serve alcohol. This change would not affect the hours of alcohol -- liquor sales in any way. It would just allow these establishments be open to serve breakfast, to hold business meetings and the like.

Our fourth proposal is to prohibit the sale of distilled spirits by the bottle. This is an important change to the statute and a clarification that really is required. You know, it would apply to the sale of distilled spirits by the bottle to any person at an establishment permitted for on-premises consumption. The Department has received inquiries about the legality of this practice, and we concur that the sale of the bottle is a real problem -- policy problem for us because the control of the alcohol is not adequately maintained by the seller. This increases the possibility of service to minors and/or intoxicated persons. And the consequences of that are quite severe and the areas in which we concentrated most of our enforcement efforts.

Finally, the Department proposes making a change to the Wholesaler's Salesman Certificates by making them annual certificates rather than the one-time-only

first one is on House Bill 6355 and how it pertains to regulating the local farmers' markets. What kind of interaction would take place with what's being proposed in this bill and how that would affect those that visit Connecticut's farmers' markets?

COMMISSIONER WILLIAM M. RUBENSTEIN: You know, we work closely with the Department of Agriculture on that precise issue. And my understanding of this bill is that it does not interfere with the current process by which food comes to sale at farmers' markets.

SENATOR WITKOS: Because I'm often told by folks that are at farmers' markets that they'd like to be able to sell more additional items or allow for a tasting. So they can't cut a tomato for somebody to taste at a local farmer's market, because that's against the health regulations. And I'm wondering would this impact that or not?

COMMISSIONER WILLIAM M. RUBENSTEIN: This -- this would not. This -- this is directed at -- at food manufacturing establishments which would be off-site of a farmer's market. Other regulatory processes may be brought to bear on that. We -- we've been dialoguing and working closely with the Department of Agriculture to ensure that farmers' markets can -- can really provide good benefits to Connecticut residents.

SENATOR WITKOS: Okay. On 6354, this is the Pharmacy Practice Act.

COMMISSIONER WILLIAM M. RUBENSTEIN: Yes.

SENATOR WITKOS: It says that there's changes that would allow the Department to hold an administrative hearing if one of the

applicants was found to have one of the suspension, revocation, expiration, surrender, or other disciplinary action taken against them. Do we not provide an avenue for those hearings to take place currently?

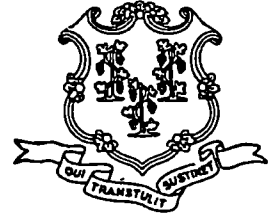
COMMISSIONER WILLIAM M. RUBENSTEIN: The -- the statute doesn't currently specifically list that as a grounds of evaluation, and so this bill is really a codification of what we think would be best practice.

SENATOR WITKOS: Okay. And my last -- I guess it's a comment -- on the merging of the different state agencies into one. And you said "the state agency shuffle," hopefully, we will alleviate that concern. I hope we don't get into the situation of a state agency slowdown or a crawl where folks are saying, My God, my caseload has increased, you know, threefold or fourfold, and we can't keep up. I know there's going to be a period where we're going to have to work our way through streamlining that together and making it a better agency overall and more responsive to the folks. And I wish you well on that, but I hope we don't hear the excuse that, well, we can't keep up with the number of complaints that we're getting and we're overburdened.

HB 6389

COMMISSIONER WILLIAM M. RUBENSTEIN: I would like to assure you that that's not my desire; that we'll work hard not to make that happen. In fact, our mission is to figure how to deliver -- deliver services more quickly, to understand and streamline the process so that happens. And, you know, we look forward to, you know, engaging that -- our processes in the result based accountability process so that we can measure and demonstrate our effectiveness in doing this.

Department of Consumer Protection



Testimony of William Rubenstein General Law Committee Public Hearing March 8, 2011

Sen. Doyle, Rep. Taborsak, Sen. Witkos, Rep. Rehimbas and Honorable Members of the General Law Committee, I am William Rubenstein, Gov. Malloy's nominee as Commissioner of Consumer Protection. Thank you for affording me the opportunity to appear before you today. Included on your agenda this morning are four bills that were introduced by my Department, so let me start with my thanks for agreeing to raise these bills for your consideration. Also on your agenda is Gov. Malloy's legislative proposal for the consolidation of four agencies into the Department of Consumer Protection. I am privileged to offer my comments in support of this bill, as well. With that, let me begin by offering testimony in support of four DCP Agency Bills:

HB 6354
SB 985
SB 1089

H.B. 6355 AN ACT CONCERNING UNIVERSAL PRODUCT CODING AND THE LICENSURE OF FOOD MANUFACTURING ESTABLISHMENTS.

This bill has two components—let me first address the section that relates to problems regarding the inspection and licensing of commercial food processors and storage facilities that are currently not licensed under existing statutory requirements. The intent of this proposal is not to require multiple or dual licensing but to ensure that

H – 1107

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 16
5169 – 5506**

If all the Members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

THE CLERK:

House Bill 6605.

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 135

Those voting Nay 2

Those absent and not voting 14

DEPUTY SPEAKER ARESIMOWICZ:

The Bill passes.

Will the Clerk please call Calendar Number 47.

I'm sorry, sir. 117. Will the Clerk please call Calendar 117.

THE CLERK:

On Page 34, Calendar 117, House Bill Number 6354 AN ACT CONCERNING THE PHARMACY PRACTICE ACT AND PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.

Favorable Report of the Committee on Finance, Revenue and Bonding.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Baram of the 15th, you have the floor, sir.

REP. BARAM (15th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER ARESIMOWICZ:

The question is on the acceptance of the Joint Committee's Favorable Report and passage of the Bill. Representative Baram, you have the floor, sir.

REP. BARAM (15th):

Mr. Speaker, this is a Commissioner's Bill and it amends the Pharmacy Practice Act. There are several technical changes, but the three substantive changes include the following.

First, it allows the Department of Consumer Protection to determine the exam that the pharmacists must pass in order to be licensed.

Secondly, the applicant must be age of 18 when they apply for the license.

And lastly, it makes the pharmacy license expire biannually rather than annually, thus collecting the fees on an expedited basis at one time saving the state money in terms of printing costs.

I would ask for adoption of this Bill.

DEPUTY SPEAKER ARESIMOWICZ:

Will you remark? Will you remark further on the Bill before us? Representative Rebimbas of the 70th District, you have the floor, madam.

REP. REBIMBAS: (70th):

Good evening, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Good evening, madam.

REP. REBIMBAS (70th):

Mr. Speaker, I, too, rise in support of this Bill and ask that my colleagues support this Bill as Representative Baram put eloquently.

This is some technical changes but very good changes.

There's a public policy change also in this Bill that allows the Department to be able to hold hearings when necessary and that would be for any type of applicant that they suspect that has a suspension, revocation or expiration.

So this is a very good public policy in protecting our public as well as Representative Baram had indicated that there is a cost savings to this. So opposed to the annual Bill being sent out

tmj/pat/gbr
HOUSE OF REPRESENTATIVES

488
May 26, 2011

it's going to be done biannually and there is no fee increase to the pharmacists.

So it's a very good Bill, and I ask my colleagues to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER ARESIMOWICZ:

Thank you very much, madam. Will you remark further on the Bill before us? Will you remark further on the Bill before us?

If not, will staff and guests please come to the Well of the House. Members please take your seat and the machine will be opened.

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.

DEPUTY SPEAKER ARESIMOWICZ:

Have all the Members voted? Have all the Members voted? Will the Members please check the board to ensure that their vote has been properly cast.

If all the Members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will announce the tally.

THE CLERK:

House Bill 6354.

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 14

DEPUTY SPEAKER ARESIMOWICZ:

The Bill passes.

The Chamber will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER ARESIMOWICZ:

The House will come back to order. Will the Clerk please call Calendar Number 184.

THE CLERK:

On Page Number 7, Calendar 184, Substitute for House Bill Number 6351 AN ACT CONCERNING FORECLOSURE MEDIATION. Favorable Report of the Committee on Banks.

DEPUTY SPEAKER ARESIMOWICZ:

Representative Olson.

REP. OLSON (46th):

S - 632

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
PART 21
6546-6914**

mhr/cd/gbr
SENATE

509
June 7, 2011

Moving to calendar page 24, Calendar 577, House
Bill Number 5795.

Madam President, move to place this item on the
Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to calendar page 25, Calendar 581,
House Bill Number 6354.

Move to place the item on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 26, Calendar 596, House
Bill Number 6282.

Move to place this item on the Consent
Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

mhr/cd/gbr
SENATE

520
June 7, 2011

Mr. Clerk.

THE CLERK:

Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. Immediate roll call's been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CLERK:

Madam President, the items placed...

THE CHAIR:

I would ask the Chamber to be quiet please so we can hear the call of the Calendar for the Consent Calendar.

Thank you.

Please proceed, Mr. Clerk

THE CLERK:

Madam President, the items placed on the first Consent Calendar begin on calendar page 5, Calendar 336, House Bill 5697.

Calendar page 7, Calendar 421, Substitute for House Bill 6126.

Calendar page 8, Calendar 449, Senate Bill 1149.

mhr/cd/gbr
SENATE

521
June 7, 2011

Calendar page 10, Calendar 470, Substitute for House Bill 5340. Calendar 474, Substitute for House Bill 6274. Calendar 476, House Bill 6635.

Calendar page 12, Calendar 499, Substitute for House Bill 6638. Calendar 500, House Bill 6614. Calendar 508, House Bill 6222.

Calendar page 13, Calendar 511, House Bill 6356. Calendar 512, Substitute for House Bill 6422. Calendar 514, House Bill 6590. Calendar 515, House Bill 6221. Calendar 516, House Bill 6455.

Calendar page 14, Calendar 517, House Bill 6350. Calendar 519, House Bill 5437. Calendar 522, House Bill 6303.

Calendar page 15, Calendar 523, Substitute for House Bill 6499. Calendar 524, House Bill 6490. Calendar 525, House Bill 5780. Calendar 526, House Bill 6513. Calendar 527, Substitute for House Bill 6532.

Calendar page 16, Calendar 528, House Bill 6561. Calendar 529, Substitute for House Bill 6312. Calendar 530, Substitute for House Bill 5032. Calendar 532, House Bill 6338.

Calendar page 17, Calendar 533, Substitute for House Bill 6325. Calendar 534, House Bill 6352.

mhr/cd/gbr
SENATE

522
June 7, 2011

Calendar 536, House Bill 5300. Calendar 537, House
Bill 5482.

calendar page 18, Calendar 543, House Bill 6508.

Calendar 544, House Bill 6412. Calendar 546,
Substitute for House Bill 6538. Calendar 547,
Substitute for House Bill 6440. Calendar 548,
Substitute for House Bill 6471.

Calendar page 19, Calendar 550, Substitute for
House Bill 5802. Calendar 551, House Bill 6433.
Calendar 552, House Bill 6413. Calendar 553,
Substitute for House Bill 6227.

Calendar page 20, Calendar 554, Substitute for
House Bill 5415. Calendar 557, Substitute for House
Bill 6318. Calendar 558, Substitute for House Bill
6565.

Calendar page 21, Calendar 559, Substitute for
House Bill 6636.

Calendar page 22, Calendar 563, Substitute for
House Bill 6600. Calendar 564, Substitute for House
Bill 6598. Calendar 566, House Bill 5585.

Calendar page 23, Calendar 568, Substitute for
House Bill 6103. Calendar 570, Substitute for House
Bill 6336. Calendar 573, Substitute for House Bill
6434.

mhr/cd/gbr
SENATE

523
June 7, 2011

Calendar page 24, Calendar 577, Substitute for
House Bill 5795.

Calendar page 25, Calendar 581, House Bill
6354.

Calendar page 26, Calendar 596, Substitute for
House Bill 6282. Calendar 598, Substitute for House
Bill 6629.

Calendar page 27, Calendar 600, House Bill
6314. Calendar 601, Substitute for House Bill 6529.
Calendar 602, Substitute for House Bill 6438.
Calendar 604, Substitute for House Bill 6639.

Calendar page 28, Calendar 605, Substitute for
House Bill 6526. Calendar 608, House Bill 6284.

Calendar page 30, Calendar number 615,
Substitute for House Bill 6485. Calendar 616,
Substitute for House Bill 6498.

Calendar page 31, Calendar 619, Substitute for
House Bill 6634. Calendar 627, Substitute for House
Bill 6596.

Calendar page 32, Calendar 629, House Bill
5634. Calendar 630, Substitute for House Bill 6631.
Calendar 631, Substitute for House Bill 6357.
Calendar 632, House Bill 6642.

mhr/cd/gbr
SENATE

524
June 7, 2011

Calendar page 33, Calendar 634, Substitute for
House Bill 5431. Calendar 636, Substitute for
House, correction, House Bill 6100.

Page 34, Calendar 638, Substitute for House
Bill 6525.

Calendar page 48, Calendar 399, Substitute for
Senate Bill 1043.

Calendar page 49, Calendar 409, Substitute for
House Bill 6233. Calendar 412, House Bill 5178.
Calendar 422, Substitute for House Bill 6448.

Calendar page 52, Calendar 521, Substitute for
House Bill 6113.

Madam President, that completes the item placed
on the first Consent Calendar.

THE CHAIR:

Thank you, sir.

We call for another roll call vote. And the
machine will be open for Consent Calendar number 1.

THE CLERK:

The Senate is now voting by roll 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.

mhr/cd/gbr
SENATE

525
June 7, 2011

Senator Cassano, would you vote, please, sir.

Thank you.

Well, all members have voted. All members have voted. The machine will be closed, and Mr. Clerk, will you call the tally?

THE CLERK:

Motion is on option Consent Calendar Number 1.

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 1 has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

We might stand at ease for just a moment as we prepare the next item..

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)