

PA 11-231

SB1111

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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Thank you, sir, and I think we should probably do a moment of silence.

Will the Clerk please call Calendar Number 605.

THE CLERK:

On Page 30, Calendar 605, Substitute for Senate Bill Number 1111 AN ACT CONCERNING THE SALE AND DISTRIBUTION OF CERTAIN SILVER OXIDE BATTERIES.
Favorable Report of the Committee on Public Health.

DEPUTY SPEAKER ORANGE:

Representative Richard Roy, you have the floor, sir. Please clear the aisle.

REP. ROY (119th):

Thank you, Madam Speaker. Madam Speaker, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint Committee's Favorable Report and passage of the Bill in concurrence with the Senate? Will you remark?
Representative Roy.

REP. ROY (119th):

Yes, thank you, Madam Speaker. Madam Speaker, we have a silver oxide battery, which contains some

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mercury that we need to keep an insulin pump working for the people who have it. There's about 300 people in the state.

There is no substitute for the chemical combination in this battery, although we do expect to have an alternative by 2015, and we do address that in the Bill.

Also, Madam Speaker, the Clerk has an Amendment, LCO 5305. I ask that that be called and I be allowed to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO 5305, which has been designated Senate "A".

THE CLERK:

LCO Number 5305, Senate "A", offered by Senator Meyer and Representative Roy.

DEPUTY SPEAKER ORANGE:

The Representative seeks leave of the Chamber to summarize. Is there objection? Seeing none, Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. We have a similar battery with the mercury silver oxide in a button cell battery. Right now the production of this battery has

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been disrupted by the earthquakes and Tsunami in Japan, so we ask that that be allowed another year of production and distribution, and so I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption. Will you remark? Representative Roy. Will you remark further on the Amendment? Representative Chapin, on the Amendment, Senate "A".

REP. CHAPIN (67th):

Thank you, Madam Speaker. Madam Speaker, I rise in support of the Amendment before us. It is a strike-all Amendment. It comes from good legislation we passed several years ago recognizing the public health as well as the environmental hazards of certain batteries and our intended phase out.

It think the Amendment before us is a measured approach to make sure that in limited uses that we take another look and make that phase out a little bit longer.

I encourage my colleagues to support it. Thank you, Madam Speaker.

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Thank you, sir. Will you care to remark further on Senate Amendment "A"? Will you care to remark further?

If not, let me try your minds. Representative Hetherington, on the Amendment?

REP. HETHERINGTON (125th):

Madam Speaker, I'll wait and come on the Bill. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you. Let me try your minds on Senate Amendment "A", please. All those in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you care to remark further on the Bill as amended? Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. If I may, to the proponent, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Please proceed.

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REP. HETHERINGTON (125th):

Are these batteries available generally through retail stores? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Madam Speaker, they are available through the retail stores, but they are special and you can get them only with a prescription.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Is the battery that is being manufactured, that substitute, that is to be a substitute, the one that's referenced in the Bill? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

I'm sorry. I'm not quite sure I got the gist of that question.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Madam Speaker, I really misspoke on that. I conclude from the remarks and also from the reference to January 1, 2015 that there is a substitute battery for sale. Is that right?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Through you, Madam Speaker, there is no substitute available at this time. We are extending the life on the market for this battery until such time as the substitute is available. We expect that in 2015.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Madam Speaker, is the substitute, did I understand in the comments that the substitute is not produced in the United States?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

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The button bell, which was the second one, which was extended for one year through 2012 is produced only in Japan. That is unavailable right now because of the Tsunami.

The original, the one through 1915, through 2015, I'm showing my age here, through 2015, is manufactured here.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

Was it my understanding that only about 300 people have the device that requires this batter?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Through you, Madam Speaker, yes, sir.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

If you know, it's curious, what is there about this battery containing mercury, what makes the mercury so uniquely qualified to be an element of the

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battery to power these units? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you, Madam Speaker. The strength of the battery used for the pumps for the insulin to keep a diabetic alive. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Hetherington.

REP. HETHERINGTON (125th):

I thank the proponent. It certainly seems to be a necessary and important exception to be made in the general law that deals with mercury.

You know, I would wonder that with only 300 patients who use this device, I would wonder that that's a sustainable market for the battery so that it can continue to be produced for, but in any event, I assume that it can and I think it's reasonable and I would support this.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the Bill as amended? Representative Srinivasan.

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REP. SRINIVASAN (31st):

Thank you, Madam Chair. Through you, Madam Chair, a question to the proponent of the Bill.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SRINIVASAN (31st):

Thank you, Madam Chair. I do understand that because of the Tsunami and the circumstances we are extending this Bill, which I am in favor of.

My only question to you is, currently, could you just explain to me what is the process of disposal of these batteries that we have that we are concerned about.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

Thank you, and through you, Madam Speaker, they will go back to the manufacturer who has a disposal program in place. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

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I'm sorry. I'm sorry, Madam Speaker, I did not hear that clearly. Could you have him repeat it, if you do not mind? Thank you.

DEPUTY SPEAKER ORANGE:

REP. ROY (119th):

I'm sorry. Could he repeat that please?

REP. SRINIVASAN (31st):

Would you be kind enough to just repeat that answer one more time for me, please. I appreciate that.

REP. ROY (119th):

Thank you. The people who manufacture these batteries have a disposal program in place and they collect them back and take care of that.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

And through you, Madam Speaker, so the idea is that these, the manufacturers will continue to do this until we get the alternative batteries? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Roy.

REP. ROY (119th):

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Yes, Madam Speaker, through you.

DEPUTY SPEAKER ORANGE:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Madam Speaker. I do want to thank the proponent for his answers. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the Bill as amended? Will you care to remark further on the Bill as amended by Senate "A"?

If not, staff and guests please come to the Well of the House. Members take your seats. 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, please.

DEPUTY SPEAKER ORANGE:

Have all Members voted? Have all Members voted?
Representative Aresimowicz. Have all Members voted?
Have all Members voted?

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

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Will the Clerk please announce the tally.

THE CLERK:

Senate Bill 1111 as amended by Senate "A" in
concurrence with the Senate.

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not voting	7

DEPUTY SPEAKER ORANGE:

The Bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 625.

THE CLERK:

On Page 31, 32, Calendar 625, Substitute for
Senate Bill Number 11 AN ACT CONCERNING THE RATE
APPROVAL PROCESS FOR CERTAIN HEALTH INSURANCE
POLICIES. Senate "A" has been called.

DEPUTY SPEAKER ORANGE:

Representative Megna.

REP. MEGNA (97th):

Thank you, Madam Speaker. I move the Committee's
Joint Favorable Report and passage of the Bill in
concurrence with the Senate.

DEPUTY SPEAKER ORANGE:

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Calendar Number 271, AN ACT -- substitute for Senate
Bill Number 1111, AN ACT CONCERNING THE SALE AND
DISTRIBUTION OF CERTAIN SILVER OXIDE BATTERIES.

THE CHAIR:

Senator Meyer. Good afternoon, sir.

SENATOR MEYER:

Good afternoon, Madam President.

I move acceptance into the Committees' Joint and
Favorable Report and move passage of this bill.

THE CHAIR:

Acting on approval of the bill, will you remark
further, sir?

SENATOR MEYERS:

Yes.

Madam President, there is a strike-all amendment.
I respectfully ask the Clerk to call LCO 5305.

THE CHAIR:

Mr. Clerk -- 5305.

THE CLERK:

Madam President, the Clerk is in possession of
LCO Number 5305, offered by Senator Meyer of the 12th
District, Representative Roy of the 119th District.
Copies of which have been distributed and shall be
designated as Senate Amendment Schedule "A".

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I move the amendment and respectfully ask the right to summarize.

THE CHAIR:

Questions on adoption, will you remark, sir?

SENATOR MEYERS:

Thank you.

Colleagues, right now in Connecticut we have recognized that the very small Button Cell batteries have mercury in them and that mercury is a very toxic chemical. And our current law prohibits Button Cell batteries containing mercury.

What this bill does is to recognize several business and service needs and -- and seeks to accommodate those needs of several companies for a short period of time.

The first is that this bill would exempt from the prohibition on Button Cell batteries containing mercury those batteries that are in a small instrument that delivers insulin. And without that mercury in that -- in that small battery we're unable to utilize these very important instruments that delivers

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insulin. And the period of time that we're asking to move away from that kind of instrument is to January 1, 2015. And so there would be an exclusion from the prohibition of -- of silver oxide batteries used to deliver insulin until January 1, 2015.

Secondly, the Avon Company came to us, Avon is a major manufacturer of watches and they -- they came to us and said that their silver oxide batteries come from a plant in Japan and that that plant was hit by that huge Japanese earthquake and the plant was demolished. And so their supply of these batteries has been knocked out and they are asking that we extend their right to use these batteries containing mercury until the year 2012. So that's just actually less than a year away.

So those seem to what the Environment Committee to be two reasonable exceptions. There -- there's a time limit on both, there's a sunset. And we respectfully on behalf of the Environment Committee ask that the -- the Circle's approval.

THE CHAIR:

Will you remark further?

Senator Roraback.

SENATOR RORABACK:

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Thank you, Madam President.

I rise to support the amendment and thank Senator Meyer for his hard work in bringing what is clearly a meritorious piece of legislation before us. The sooner we can rid our environment of mercury the better. And this is clearly a very big step in the right direction. I urge members to support the amendment.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Thank you, Madam President.

I too rise to support the amendment. I think this is evidence of the practical and flexibility that is needed in Connecticut to accommodate realistic business issues but at the same time balance them against important environmental considerations. And this is the kind of -- I think, regulation or change that shows that Connecticut is open for business and is also very concerned about the environment.

So I strongly applaud Senator Meyer and his

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effort on this. I am certain the business community appreciates the flexibility that the state's evidencing with this law. And again, it's not compromising the environment because it's just dealing with this in a practical way.

So thank you very much for your work, Senator Meyer and I too strongly support the bill.

Thank you very much.

THE CHAIR:

Thank you. Will you remark further?

Senator Meyer.

SENATOR MEYER:

I do appreciate the supportive remarks of Senator Suzio and Senator Roraback.

This is a good reasonable balance solution to a problem. It's pro-environment, it's pro-business. And if there is no other comment or objection --

THE CHAIR:

Senator, we have to adopt the amendment first.

SENATOR MEYER:

I'm sorry.

Again, I move the amendment.

THE CHAIR:

Will you remark further? If not, all in favor of

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the amendment please say, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

The amendment is adopted by voice vote.

Senator Meyer.

SENATOR MEYER:

I'm sorry if I jumped quickly there.

THE CHAIR:

I don't blame you, sir.

SENATOR MEYER:

Madam President, if there is no further objection

I ask that this bill be placed on the Consent
Calendar.

THE CHAIR:

Seeing no objection, so ordered.

Mr. Clerk. Sorry, Senator Looney.

SENATOR LOONEY:

President, the second item that I had mentioned from the Environment Committee as a go, apparently needs an amendment so we'd like to PT Calendar 272. And Madam President, if we might move as the next two items to call, bills from the General Law Committee.

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Thank you, Madam President.

THE CHAIR:

And at this time, I'd ask if there's --
seeing no objection, the bill will be put on
Consent.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Good evening,
again, Madam President.

THE CHAIR:

Good evening, sir.

SENATOR LOONEY:

Madam President would like to have the Clerk
call the items on the Consent Calendar, so that
we might move to a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

An immediate roll call has been ordered in
the Senate on the First Consent Calendar. Will
all Senators please return to the Chamber?

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

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Madam President, the items placed on the First Consent Calendar begin on Calendar page 1, Calendar 571, House Joint Resolution Number 122; Calendar 593, Senate Joint Resolution Number 52; Calendar page 3, Calendar Number 130, substitute for Senate Bill 999; Calendar page 5, Calendar Number 221, substitute for Senate Bill 858; Calendar 222, substitute for Senate Bill 973; Calendar page 7, Calendar Number 270, substitute for Senate Bill 212; Calendar 299, substitute for Senate Bill 139; Calendar 304, substitute for Senate Bill 860; Calendar page 10, Calendar Number 439, substitute for Senate Bill 1216; Calendar page 11, Calendar 456, substitute for Senate Bill 927; Calendar page 29, Calendar Number 41, substitute for Senate Bill 98; Calendar page 31, Calendar Number 114, substitute for Senate Bill 881; Calendar page 32, Calendar 140, substitute for Senate Bill 863; Calendar page 34, Calendar Number 201, substitute for Senate Bill 1038; Calendar page 35, Calendar 215, Senate Bill 227; Calendar 236, Senate Bill 371; Calendar page 37, Calendar Number 271, substitute for Senate Bill 1111, Calendar page 38, Calendar

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293, substitute for Senate Bill 1103; Calendar page 39, Calendar 303, substitute for Senate Bill 764; Calendar page 40, Calendar 342, Senate Bill 843; Calendar page 41, Calendar 362, substitute for Senate Bill 1217; Calendar 368, substitute for Senate Bill 882; Calendar 369, substitute for Senate Bill 939; Calendar page 43, Calendar 382, substitute for Senate Bill 1224; Calendar page 44, Calendar 398, substitute for Senate Bill 1044; Calendar page 45, Calendar 410, House Bill 5021; Calendar page 46, Calendar 434, substitute for Senate Bill 1219.

Madam President, that completes the items placed on the First Consent Calendar.

THE CHAIR:

We'll wait a moment. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, there is one item that we will need to remove from the Consent Calendar, because it needs to be amended and be reconsidered and then amended, and that is Calendar page 5, Calendar 222, Senate Bill 973. If that item might be removed from the Consent

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Calendar and called after the Consent Calendar,
so it can be corrected?

THE CHAIR:

The bill is removed from the Consent
Calendar. At this time, Mr. Clerk, will you re-
announce the roll call vote and the machine will
be open?

THE CLERK:

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

THE CHAIR:

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

THE CLERK:

Motions on adoption and Consent Calendar

Number 1:

Total number voting	36
Those voting Yea	36
Those voting Nay	0

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Those absent, not voting 0

THE CHAIR:

The Consent Calendar passed. Mr. Clerk, do you want to recall that bill? Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Madam President, if that item might -- might be passed temporarily, I believe the amendment that would be a strike-all that we needed is not -- not here yet. So we will pass that item.

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Madam President would yield the floor for Members for purposes of announcements or points of personal privilege.

THE CHAIR:

Are there any announcements or points of personal privilege? Any point of personal privilege or announcements? Seeing none.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, it's our intention to convene tomorrow at 11:00. Also, advise Members that you should make the weekend, especially Saturday, available for possible session, as