

PA12-199

HB5360

General Law	777-782, 784-792, 829-835, 845-852, 870-872, 894-902, 909-923, 928-939, 944-951, 1064-1093	197
Senate	4497A-4497C, 4498-4499	5
House	6437-6445	9
Judiciary	4781, 4789-4790, 4792-4794, 4811-4817, 4980-4983, 5133, 5134, 5297-5304	<u>27</u>
		238

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 3
555 – 824**

2012

Representative Rose?

REP. ROSE: Thank you, Senator Doyle, Representative Taborsak, members of the General Law Committee. I'd like to thank you today for the opportunity to speak to you in strong support of House Bill 5360. Currently the State of Connecticut, any person that is under the age of 18 does not purchase any tobacco products.

We have stiff penalties for selling and distributing tobacco to minors. We have provided funding for anti tobacco public service announcements, and we promote our schools, in our schools a tobacco and drug-free lifestyles. Yet minors can go into a convenience store, consignment shop, tobacco store, head shop, et cetera, and purchase items such as pipes, bongs, rolling papers, cigarette papers and bowls. I have found this shocking that while we control the sale of tobacco itself, we do not control the items used to smoke it. If a minor is able to purchase tobacco, then the very tools used to smoke it are not restricted.

An even scarier scenario is if the minor is able to procure drugs the rolling papers, bowls, which are designed for tobacco use, are typically used for smoking marijuana. We need to make it more difficult to use these banned substances by prohibiting the sale and possession of minors the tools in which they use to smoke. The state levees fines against proprietors who sell to minors and this sweeping piece of legislation would also levy fines against the sale of the paraphernalia. We work hard to prevent these illegal substances from reaching the hands of minors, now let us fight the war on two fronts.

Let's work together to help provide and promote a drug and tobacco free existence, not only to adults but to the future. Children are our future and they represent the best of what Connecticut will have to offer our country. Let us make that promising future a healthy one for everyone. Thank you for allowing me to offer my testimony today and I'd be happy to answer any question.

REP. TABORSAK: Thank you, Representative, for bringing this important issue to the community's attention. Are there any questions, comments? Senator Witkos?

SENATOR WITKOS: Thank you, Mr. Chairman. Good morning, Representative. I just have a question. Do you know if there, I've often, not often, but I've seen folks smoking cigarettes that are herbal cigarettes, and I don't know if those contain tobacco or not.

And do you know if there is, number if they do, or if they fall underneath the guidelines of the age restriction in the city of Connecticut?

REP. ROSE: I don't know much about smoking herbal tobacco. I would assume though if you're under the age of 18 you shouldn't be smoking anything. It's not good for lung health, and I think that that might lead to tobacco use later in life.

SENATOR WITKOS: Yeah, I don't disagree. I just didn't know if people that smoke herbal -- I don't know even know if it is tobacco -- maybe I'll ask somebody as they come up if they're familiar with that product, but thank you.

REP. TABORSAK: Any other questions, comments? Representative Baram.

REP. BARAM: Thank you, Mr. Chairman. Welcome. A question I have is whether or not there's any legal authority for legislation to ban items that in and of themselves may not pose a danger but when used incorrectly can facilitate, as you point out in your testimony, the use of dangerous substances?

I've always thought there has to be a connection between legislation that protects the public health and the item that is being prohibited, and just a legal question that arises in my mind is whether or not these individual items like wrapping paper, bowls or whatever else in and of themselves may not be a dangerous threat but obviously can be used for a wrong purpose.

And you could extend that analogy to any kind of a dangerous item. There are always component parts that make up something that's more dangerous, but are the individual parts themselves sufficient to create a law to outlaw them. I'm just wondering if you have, you know, the research data or perhaps we could get the subsequent answer on that kind of information.

REP. ROSE: Well, we do have representatives here from a local police department who are very knowledgeable and can probably answer most questions that you might have regarding arrest and the type of Statistical data.

In my mind a pipe, a rolling paper is not used for any other purpose, so having that in your possession indicates that you intend, the intent is there to use it with tobacco-related product, whether it be tobacco or marijuana.

REP. BARAM: Thank you.

REP. TABORSAK: Any other questions for Representative Rose?

REP. REED: Thank you, Mr. Chairman. Good morning, Representative Rose. I just have a question about Section 2, Item A. No person having possession of or exercising dominion and control over any dwelling -- and it seems to go on to say that if an underage minor is consuming alcoholic beverages at a private dwelling, that the owner is in violation of a law. And I'm just wondering how sweeping that is. I mean, we all know there are cultural differences among us where a child is occasionally allowed to sip some red wine at a family event or some such, and I'm just wondering if that is so wide a net in your estimation that it captures, you know, has unintended consequences?

REP. ROSE: Thank you for your question. I'm not necessarily testifying on the alcohol portion of this bill, but I will, I will do my best to answer that question. It also says that if they fail to make a reasonable effort to halt the possession. I think that's to protect -- I'm the mother of two grown children but growing in their teenage years did I find them at drinking parties at homes where the parents supplied the alcohol, yes.

Did I find them also in homes where there was parties going on when their parents were working? Yes. To hold the parents responsible that are not home I personally have a problem with. You know, everybody works now, it's not that the parents are around 24/7.

This one particular instance it was a single mom who had to work evenings and came home to

find her house -- a house party going on. But as far as making reasonable efforts to halt such a possession I believe that might be covering your concerns.

REP. REED: Thank you, Representative. Thank you, Mr. Chairman. I'm a little concerned that we should take a look at some of this language just to see if it overreaches a bit. Thank you.

REP. TABORSAK: Senator Leone?

SENATOR LEONE: Thank you, Mr. Chairman and hello Representative. Thanks for testifying today. I'm not sure if this will be a question you can answer. Maybe the folks you have with you could add their comments and I'm reading through your testimony I think the answer's in there but I wasn't sure. In our attempt to protect the minors at those shops that sell this paraphernalia, are they carding people to ensure that they're over the age of 18 or is that not being done? I'm not sure.

REP. ROSE: Currently?

SENATOR LEONE: Yes.

REP. ROSE: They - - by law they're supposed to be.

SENATOR LEONE: And they - - and they do have fines. Okay. I just wanted to make sure that at least the - - the shops themselves are being responsible in what they're allowed to sell to the public.

REP. ROSE: Again, I think you can address the police officers that are there today can probably tell you because they do run stings periodically, I know through our city, where they send minors in to purchase these things

and I'm sure they can tell you.

SENATOR LEONE: If they can maybe just add a comment to let us have an indication of how prevalent it is. Is it a one-time happenstance or is it something that's been abused and we just haven't had a chance to, you know, attack it in the proper way?

REP. ROSE: I would just put that to their testimony.

SENATOR LEONE: Are they going to testify later on?

REP. ROSE: They are.

SENATOR LEONE: Okay. Thank you. Thank you, Mr. Chairman.

REP. TABORSAK: Thank you, Senator. Any other questions from the committee, comments on this? With that, Representative, thank you.

REP. ROSE: Thank you.

REP. TABORSAK: And thanks for bringing this to our attention. Is Senator Joan Hartley here? Senator Hartley? Okay. We're going to pass over Senator Hartley. Is she coming? All right, I'm going to call Representative Chapin and we will come back to Senator Hartley when she gets here.

REP. CHAPIN: Thank you, Mr. Chairman, Senator Doyle, Senator Witkos. Thank you very much for raising Bill 5090, AN ACT CONCERNING THE HOME IMPROVEMENT GUARANTEE FUND AND CONDOMINIUM ASSOCIATION. So for the record, my name is Clark Chapin. I'm the state representative from the 67th district.

And I had a constituent approach me after the

contract for work on their own units while the association contracts for work for the common element areas.

And either way, it's my opinion that both fall within the Home Improvement Act. As an aside, when I'm not here as a legislator, I'm also a registered home improvement contractor, although I've never had experience working at this condo association or for this condo association, I have had experience and certainly I hope you'll view that as experience that lends some credence to my position here today. So thank you very much for the opportunity, for raising the bill, and I hope you agree that it's kind of a clarifying change that I'm asking for and I ask that you move it forward. Thank you, Mr. Chairman.

REP. TABORSAK: Thank you, Representative, for bringing this to our attention. Are there any comments or questions from the committee? If not, thank you.

REP. CHAPIN: Thank you.

REP. TABORSAK: Senate Hartley.

SENATOR HARTLEY: Good morning, Mr. Chair and the distinguished members of the General Law Committee, thank you very much for allowing me this opportunity to appear before you. I am here, for the record, I'm Joan Hartley, and I represent the 15th Senatorial District. And I would like to testify before you on two bills, the 268, which is speaking to the absorption rates for cellular telephone, and the second bill is House Bill 5360, AN ACT PROHIBITING DANGEROUS SUBSTANCES and it's, as you see, a very long title, products to minors, prohibit certain persons to allow minors to possess

alcohol in dwellings units and on private property and specifically Section, Item 2, on Section 1 of that bill.

And with your indulgence, if I could address my comments to Senate Bill 268 first?

REP. TABORSAK: Certainly.

SENATOR HARTLEY: Thank you, thank you, Sir. I actually appeared before you last year on this subject matter, and so I want to thank you for raising it again, and very quickly just share with you that there were two bills before the General Law Committee last year. One delay with having to post the absorption rates for cell phones, and the second one was one actually that I had submitted and it dealt with really a different aspect of that, and that was just to provide adequate labeling for the proper usage of cellular phones.

And so the bill, Senate Bill 268, by virtue of its title and content, speaks to the former proposal, that is about the absorption rate, and so I would basically like to talk about that subject, but the different part of it, and that is about the labeling piece, which I think is probably more attainable and certainly should probably be a first step in anything we might consider doing.

The facts about cellular phone usage has not changed. They have continued to grow. Right now there are approximately 5 billion cell phone users in the world. It continues to grow. The number of folks who solely use a cell phone, as opposed to a land line, has now increased and it's approaching well over 40 percent. People don't have land lines anymore, and I think perhaps all of us being political animals, we know that when it come

to election time and we're trying to reach people the land line is really no longer the preferred means of communication.

However, in this conversation with the increased use of cell phones has been the exponential increased use of cell phones by youth, not just adolescents, but children. And you can witness that just by virtue of the Christmas shopping season, where you see what people are buying for their children. And then just go to any school grounds, any campus, any mall, and you will see inevitably these youngsters have a new appendage, it's a cell phone.

So that we won't dispute that but there's much about this conversation that we could dispute. We know the science that children's skulls are much thinner, they're not developed as an adult is i.e. the absorption rates are much greater at a younger age than they are an older age. Children who are now starting to use cell phones at a very young age are going to have a much longer lifetime use and exposure than we are. Those are the facts. And I don't think that we can deny them. The longevity studies, they are not in place as we speak. Witness the longevity studies for the use of tobacco, which increased exponentially after World War II and it wasn't until 20 to really 30 years before we had the longevity studies and the information to see the effects of tobacco on lungs and health.

And the last thing I'd like to mention is the FCC standard for cell phones is very dated. It's about 25 years old, and it was formulated at a time when cell phones were an accessory, almost like a high-tech toy at the time. They were not, certainly, a main means of communication. They basically were a novelty.

So we also recognize that the medical community is very divided about this. There's no question about it. And but what has happened since I last talked to you about this is that they're perhaps the first time was a position taking by the medical community.

The World Health Organization convened a panel, which reported last June. And so for the first time, a medical group in the World Health Organization is the organization on this subject. And they took not a negative position, but they made a very clear and definitive statement. And those of you who follow the Hartford Current would have recalled it being the masthead on July 1st of last year, when they reported their findings. And basically what they said was that it is something that has to be recognized and has to be followed.

And I'll quote. They're saying, "Cell phone users may be at increased risk for two types of rare tumors and should reduce their exposure to energy emitted by phones." And this was by this international panel of 31 scientists from the World Health Organization. Rather than go through and read their quotes, I'll just refer you to this study, which for the first time took something other than a neutral position on this. So recognizing all these facts, basically the thought behind the proposal was not about being Draconian and attempting to limit commerce or sales, because cell phones are very much a part of our lives now. They're a social entity, but they're also a means of communication.

And I just would like to see us begin to do something definitively about advising the public about the proper use of cell phones, in particular for young children. Now, you know,

we have all kinds of signs in this building and every place you go. You know, the red arrows, the circles with the arrows, there are a million ways to graphically impart to parents and hopefully to youngsters that there's a proper way to use these, that they should not be up against the ear, that they should not be really in your pocket.

And if you go and try to identify the right way to use these devices, you will have to do some hunting. I just pulled out my Blackberry manual, and it was buried like on page 47, and I will tell you the typeface was probably a .025. I mean, it was indecipherable. And then, of course, we always get the response well, you could go on the website. Well, whose going to go on the website when they get it? The most important thing they're interested in is getting that thing working. So basically if we had some kind of a label, which showed the distance from the head. And basically now they are actually coming out saying, well texting is better than being on the phone, or using the headset.

So just by virtue of that admission it would say that we are not communicating the safe way to use these. I will also say that my conversations with the industry go back a year, and in those conversations it was educational to me that by one year's time there would be a chance regarding the labeling, and we have seen now. And so with that, I'm grateful for your interest and also for listening to me so patiently. Thank you. God knows I don't shut up, should be weighing in here.

REP. TABORSAK: Thank you, Senator. I'll mentioned that to him. Are there any questions for the Senator? Any questions? Just a quick

31
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

question to -- I have a feeling we will hear from some people today testifying in opinion.

SENATOR HARTLEY: I bet.

REP. TABORSAK: Right, which you can probably imagine, is that the science is still very much in dispute. And that when we go out and we regulate when according to some people the science is not clear, it has an effect on the public that would almost as if it's criticized as like crying wolf .

That the message coming from us would be confusing if we're not really talking about a health hazard that has been identified in the scientific community that other similar public policies will have less meaning, people won't take them seriously. This is something we'll probably hear today from some other people that come here today to testify, and I wanted to give you the opportunity to respond to that.

SENATOR HARTLEY: Thank you, Chairman Taborsak. You're absolutely right, and I don't dispute any of that. The fact is we do not have the benefit of the longevity studies. The fact is we know the biology of youngsters. The fact is we understand the exponential increase in these devices used by that population.

None of this we can deny, and so therefore I would think it's incumbent upon the industry to be way ahead of this and doing something to impart that there is proper usage by that population and for them not to have done it in the year's time that we have since talked, they are derelict. Thank you, Sir.

REP. TABORSAK: Thank you. Are there any -- Senator Leone?

SENATOR LEONE: Thank you, Mr. Chairman. Just one quick question. Do you know if we would be the first in the country or are other states looking to do this as well?

SENATOR HARTLEY: You know, Senator Leone, I am not sure that there are other states right now doing this. There's a lot of conversation at this level, and it is the reason why, for example, I am not here supporting the posting of the frequencies of (inaudible) because I do understand the science.

But I'm talking about a totally different part of this conversation, which I don't think anybody can dispute the facts that I've just shared.

SENATOR LEONE: Great. Thank you.

SENATOR HARTLEY: Thank you.

SENATOR LEONE: I appreciate that.

REP. TABORSAK: Representative Reed.

REP. REED: Thank you, Mr. Chairman. Good morning, Senator.

SENATOR HARTLEY: Good morning, Representative Reed.

REP. REED: This is an interest of mine, and I know that several states have tried to pass legislation. Actually the city of San Francisco did pass an ordinance but it's got nullified.

And one of the issues seems to be what you have enunciated, you know, really determining what are we saying? What are we going to say

to the public since the jury seems to be still out. Obviously the World Health Organization is deeply concerned.

But I noticed that the one that got the farthest in California and now it seems to be on an inactive pile, but the one that got the farthest was this device emits radio frequency energy. Consult the user's manual for additional information on state's use.

Just kind of thinking about that now, does that interest you? Would that be enough of a label or are you looking for something a little bit more specific?

SENATOR HARTLEY: Thank you for your question, Representative Reed. You are absolutely right. It was Maine and San Francisco, both of which are not standing now. But that legislation was basically the first bill that I referred to where it was requiring the posting of the SARS level.

My proposal is simply to educate consumers on the proper use, which we could do by virtue - - in fact the Hartford Current, when they ran the article. I don't know that I have it with me, oh, I do. It basically just used these little icons, which, you know what? Kids are so acute with these kind of - - they understand them far better than I do. And it's just a series of icons which show the proper usage. It doesn't go up against your ear, it doesn't go in your pocket, and God forbid, don't put it under your pillow.

So basically that's what I'm interesting in, and you know, as I said, I do think it's incumbent upon the industry to be doing this, and it's not Draconian to ask them to do this, to show because they themselves will talk

about the proper usage of this but it is buried in this booklet that no one ever looks at. So while they have it out there, that basically it's not of any value to the using public. And once again, we don't have the longevity on this and we're hoping, obviously, that all the science that has been, you know, disputing this, is in fact right. But we know the physiology of youngsters.

REP. REED: Thank you for your testimony, Senator. Thank you, Mr. Chairman.

REP. TABORSAK: Any other comments from the committee? If not, Senator, you can continue with the second bill you're testifying on.

SENATOR HARTLEY: Thank you so much, and this bill is really a very important and pressing matter, and I am grateful to the committee for, first of all, raising this, and also allowing me to sit before you with William and Maryanne Colgan, who are from Waterbury, and whose words, my words will pale in comparison to what they would like to share with you today.

So this is House Bill 5360, and we are speaking specifically to Item 2 in Section 1, which talks about the adoption of regulations for individuals under 18 for potentially hazardous, the use of potentially hazardous things, such as things labeled as energy drinks which contain excessively high levels of caffeine, caffeine derivatives, guarana or taurine. Last year the Colgans lost their only son. He was a bright, attractive kid who had everything to live for, student athlete, a wonderful member of our school community, and he was also a member of the community college, the local community college in Waterbury.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 4
825 – 1093**

2012

71
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

professional standards expected of a registered interior designer. It differentiates the professionally educated and trained interior designed from a designer without the formal education and training.

It also exemplifies the safe and consistent approach to construction with all of the design professionals joining the licensed contractors and home improvement contractors and being required to display their registrations. This provides protection of Connecticut residents and allows homeowners and businesses to wisely choose the designer most appropriate for their project. Thank you for hearing my testimony on this vitally important issue.

SENATOR DOYLE: Thank you. Perfect timing.

Any questions from the committee?

Seeing none, thank you very much.

ERIC SCHOONMAKER: Thank you.

SENATOR DOYLE: Next speaker is Michelle Hamilton then Kerensa Mansfield, Chris Herb, Lori Lee, Michele Devine, Tim Phelan.

Ms. Hamilton. Thank you.

MICHELLE HAMILTON: Good afternoon. Thank you, Senator Doyle, Representative Taborsask -- Taborsak, members of the General Law Committee. My name is Michelle Hamilton. I'm the senior program coordinator for the Ledge Light Health District and the coordinator of the Groton Adolescent Substance Abuse Prevention Coalition, also known as the GASP coalition.

HB 5360

I'm here today to speak in favor of House Bill 5360, AN ACT PROHIBITING THE SALE OF CERTAIN DANGEROUS SUBSTANCES, ITEMS AND PRODUCTS TO MINORS AND PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY, which will affect -- protect the health and welfare of our children. While House Bill 5360 Section 1 -- or Section -- 5360 addresses several issues, I'd like to speak specifically on behalf of the section concerning drug paraphernalia, Section 1.

Our coalition closely monitors substance abuse trends and attitudes towards substance use in Groton youth through biannual, professionally evaluated youth surveys. While we are proud of the work we have done to reduce and prevent underage drinking, we are concerned with the increase in reported marijuana use among youth and a low perception of harm associated with its use. The trends in Groton are not unique. A recent survey by the National Institute on Drug -- National Institute on Drug Abuse documents that daily marijuana use among youth -- among young adult is at it's highest levels since 1991. Another national survey released shows that 17 million Americans, mostly teens or young adults, used pot in 2010. About 40 percent of those used it on 20 or more days in the past month, up from 36.7 percent in 2009.

It is already illegal to sell drug paraphernalia. The difficulty we face is the availability of items that are marketed for tobacco use but are commonly used for drug use. Ask any police officer who has confiscated a pipe, bong or a hookah and they will tell you it wasn't being used for tobacco. But stores avert federal laws by posting "For tobacco use only" or "Not for use

with illicit drugs" signs near their paraphernalia. We are dealing with a well-known legal loophole when it comes to these items. And currently, there is no law prohibiting minors to purchase such items, although store owners might check ID.

This loophole means that items commonly used for drug use are visible and accessible. Staff and student interns at Ledge Light Health District first noticed drug paraphernalia being sold at gas stations and convenience stores when conducting a scan of tobacco marking in Groton in 2007. Again, in 2010, the GASP Street Team, a group of high school freshman, conducted environmental scans and found convenience and gas stations selling drug-related paraphernalia.

Am I done?

SENATOR DOYLE: Please summarize. Thank you.

MICHELLE HAMILTON: So this includes pipes, water pipes, hookahs, grinders and scales. Often they are found in glass displays near the front door. Connecticut is not alone in its fight to reduce access to paraphernalia. California, Tacoma, Washington adopted drug paraphernalia ordinances.

I support House Bill 5360 which aims to regulate the sale of tobacco-related products and would ask that you add language to this bill to state that these items may only be sold at adult-only locations, such as smoke shops which require patrons to show ID upon entrance.

Thank you for your time.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative Baram.

REP. BARAM: Thank you, Mr. Chair.

I asked the previous speaker the same -- the same thing about the component parts of this, you know, like rolling paper and what not. And as I was listening to you, my memory was jogged, I can't remember if we actually passed the bill about a year or two ago I think somebody submitted a bill to have flavored wrapping or rolling paper for cigarettes --

MICHELLE HAMILTON: Correct.

REP. BARAM: And I point that out only because you take an item like rolling paper and it can be used for legitimate or illegitimate uses so how do you ban it and prevent somebody from buying it if there's a legitimate use that's also available for it?

MICHELLE HAMILTON: We're really looking at the pipes, the colorful pipes, hookahs and they're sold, you know, not for tobacco use. Most -- like I said, most police officers say they stop people with paraphernalia and it's used for illicit drugs so the marketing of these pipes, they're colorful, they look -- they look pretty and -- so we're really looking at more of the pipes and the bongs and the hookahs that are in nice glass displays when you first walk into a convenience store.

REP. BARAM: Thank you.

MICHELLE HAMILTON: You're welcome.

SENATOR DOYLE: Thank you.

Just a follow-up to Representative Baram's question, does that me you're -- you think we should amend the language to delete the language "rolling papers" and just limit to pipes?

MICHELLE HAMILTON: (Inaudible.)

SENATOR DOYLE: Okay. Thank you.

Any further questions? Seeing none, thank you very much.

MICHELLE HAMILTON: Okay. Thank you.

SENATOR DOYLE: Next speaker is Kerensa Mansfield. I don't know if I pronounced her name correct. Chris Herb, Lori Lee, Michele Devine, Tim Phelan, Scott Silvester.

Good afternoon.

KERENSA MANSFIELD: Good afternoon, Chairman, and members of the General Law Committee. I have a letter here as a follow up to the Bill 5360, Section Number 1, on the drug paraphernalia and I also have some pictures here to give you all a better understanding of the pipes and the bonges and what we're looking to address.

My name is Kerensa Mansfield and I also work at Ledge Light Health District. Ledge Light Health District serves Groton, New London, Ledyard, Waterford and East Lyme. We're the local health department. And we've done some work with the SADD chapter at Fitch High School. As Michelle had mentioned, the GASP Street Team and the SADD chapter work together. And unfortunately, the kids weren't able to be here today, but they wanted me to read this letter on their behalf.

"We are writing to you because we, student leaders, believe very strongly in the institution of an ordinance prohibiting the sale of the drug paraphernalia in our gas stations and convenience stores. We've seen glass pipes, water pipes or bong, hookahs, scales for using -- scales for use and sale of marijuana and cleaning solutions and detoxification drinks that reference drug use. Some stores keep these items right near the front door in a glass case for everyone to see. Even our younger siblings see these items. Should an 8-year-old going into a convenience store to buy a candy bar have to be exposed to drug paraphernalia? What message does that send to our youth?"

"We disagree with the premise that drug paraphernalia is being sold under the false claim and legal loophole that is meant for tobacco use only. We know that it is simply not true. Who smokes tobacco out of a water pipe? Why do you need a scale for tobacco? Why is there a detox buster being sold and other cleaning solutions with "420" on them? We feel that when these items are marketed in plain sight and readily available, it sends the message that drug use is acceptable and the norm in our community."

"As student leaders who are involved with Students Against Destructive Decisions and the GASP Street Team, we feel that the removal of these smoking accessories used for smoking marijuana will create a healthier and safer environment for youth. We are in full support of any ordinance, local or regional, that helps remove drug paraphernalia from convenience stores and gas stations."

Sincerely, Fitch High School's SADD Chapter.

And, as I had mentioned, I have a poster here of what the bongs and scales and everything looks like. This is actually from a local convenience store in Groton if you want to take a look at it.

SENATOR DOYLE: Do you have multiple copies or just one?

KERENSA MANSFIELD: I do have multiple copies.

SENATOR DOYLE: If you could give them to clerk so we could get them to committee.

KERENSA MANSFIELD: Okay.

SENATOR DOYLE: Any further -- any questions from the committee?

Seeing none, thank you very much.

KERENSA MANSFIELD: Thank you.

SENATOR DOYLE: Next speaker is Chris Herb, then Lori Lee, Michele Devine, Tim Phelan, Scott Silvester, Brian Goldwyn.

CHRISTIAN A. HERB: Good afternoon. My name is Chris Berb. I'm the vice president of the Independent Connecticut Petroleum Association. We represent 576 family-owned and operated heating oil deals, motor fuel markets and their associates businesses in Connecticut. ICPA members employ over 13,000 people who provide 650,000 residents with home heating oil.

I'm here today testify on Senate Bill 207, AN ACT CONCERNING RESIDENTIAL RETAIL HEATING OIL AND PROPANE CONTRACTS. This is a bill -- the majority of the bill has been before you, I

87
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

REP. REED: Thank you, Mr. Chairman.

Yes. So I'm looking for the --

LORRAINE LEE: Yeah.

REP. REED: -- participation in the equation of a
doctor in real time not in a forensic context.

LORRAINE LEE: No. These clinics are actually
fully serviced just like you would find within
the hospital four walls. There are
physicians, nurses and then, in our case,
technicians and other health care
professionals right there on site. The
chemotherapy is administered under medical
supervision on site, physically.

REP. REED: Thank you very much. Thank you for
your testimony.

Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Seeing none, thank you very much.

Next speaker is Michele Devine, Tim Phelan,
Scott Silvester0, Brian Goldwyn, Eugene
Marconi and William Colgan.

MICHELE DEVINE: Senator Doyle, Representative
Taborsak, and distinguished members of the
General Law Committee. Thank you for the
opportunity to speak to you today. My name is
Michele Devine and I'm the executive director
of the Southeastern Regional Action Council.

One of our primary functions of the

HB 5360

Southeastern Regional Action Council, which covers the 20 towns in southeastern Connecticut, is to educate communities on the newest trends of substance abuse among youth. During the past four years, we have spent substantial time addressing the concerns highlighted in Raised Bill 5260. We are encouraged to see that this committee is taking the initiative to hold a hearing on this important piece of legislation that will help protect youth from substance abuse and other addicting behavior.

Last year, Connecticut took a huge leap in its prevention efforts by passing legislation that will make it illegal for various synthetic drugs such as marijuana and the bath salts; however, we still have some work to do. We continue to hear please from our teachers, parents, police officers, treatment prevention professional that there is -- that we still have items available in our community. Section 1 of House Bill 5360 will provide the Commissioner of the Department of Consumer Protection with the authority to develop regulations that will prohibit the sale of various substances including controlled substances, energy drinks and products containing excessive melatonin.

Our agency similar to Groton, we have done a survey or an environmental scan of all of the convenience stores in our entire region and we found that over 50 percent of the convenience stores carry these drug paraphernalia products. And increased availability of drug paraphernalia in local gas stations and convenience stores has been noticeable in the last few years. And as you have heard, it's because of a loophole in that -- in that legislation that they are for tobacco products.

We are seeing the social norm that the availability of drug paraphernalia conveys to our youth that it is okay. In addition to tobacco products and synthetic substances sold at convenience stores, there are also energy drinks which are increased popularity. Energy drinks of a \$10 billion industry that target the youth and shift workers. The Food and Drug Administration does not monitor these drinks and they are filled with natural substances that may in some doses be acceptable but not they are being marketed to children. Did you know that one can of Monster has the amount of caffeine of five cans of Coke?

Young children are not prepared to deal with the caffeine in this amount. They do not have the knowledge to understand that headaches, upset stomach, lethargic feelings are from the drink that they bring in during lunch.

Can I wrap up?

SENATOR DOYLE: You can summarize, sure.

MICHELE DEVINE: Okay. More serious conditions have been reported, as you heard earlier. In southeastern Connecticut, 38 percent of our youth 7th through 12th grade drink energy drinks on a regular basis and that was from our survey done with 4900 kids on our region.

Melatonin, just quickly, a natural substance, if sold properly can benefit. The products say drink -- for one product that I purchased -- drink a bottle of this to help you deal with the energy drink you had earlier, the loud neighbor or the general stresses of your everyday life. Despite the fact that these products contain certain warning signs for

adults only, not intended for children under 18, they are sold to high school students and middle school students.

This bill would make great strides in preventing the sale to children. And I -- just in closing, I want to say that although we are support of Section 1, we are not in support of Section 2, which takes the responsibility away from parents and adults in not being present while a child is drinking in the home.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative Altobello, any questions?

Thank you very much.

MICHELE DEVINE: Thank you.

SENATOR DOYLE: Wait, sorry. One second.
Representative Taborsak has a question for you.

REP. TABORSAK: Thank you for testifying today. I'm not sure if you had mentioned or discussed in your testimony at all, one of the substances that was brought to our attention is this trend, at least by some companies, to sell food products that contain very high amounts of melatonin. I don't know if you've -- did you comment on any of these? Have you seen this in your research?

MICHELE DEVINE: In our presentations that we do to our communities, we do an entire presentation as the drug -- the convenience stores see in the next drug store and one of those products is Lazy Cakes. Another product is the Dream

Water or Sleep Water. And yes, we're very familiar with that. For example, this brownie, Lazy Cake, if you read the package, you would see that one brownie is two servings but I don't know anyone that eats -- that doesn't eat an entire brownie and it is two servings because it has two doses, adult doses of melatonin in it. And it is, again, being sold right there at the cash register. And I did mention the severity of that natural substance in large amounts.

REP. TABORSAK: I'm glad you have seen that and have mentioned it as an issue. We -- it was brought to our attention the brownies that you're talking about. I believe they're called Lazy Larry. There's actually a -- and the marketing, the package that we were shown really is clearly appealing to kids, we thought or anyway, I thought and some of -- some other colleagues up here agreed with me that that was really troubling that the way that it was marketed and the packaging seemed to be really be targeting kids with this whole cartoon character. And I was wondering if your experience -- I haven't seen some of these products that are out there -- are they also similarly geared towards -- in their marketing towards any specific age range in your opinion?

MICHELE DEVINE: Yes. It is common knowledge that the -- all of these items whether they are a stimulant in the energy drink or, you know, a depressant, all of these are geared towards youth, again, to try to entice them to deal with the stress of their everyday life, to deal with the extra energy, to be strong, to be sexy, to be popular. And there is a competition in one of our local -- we had heard of in a local school -- there is a competition of the students are wearing like

the tabs of the energy drinks and they're different colors, if you've looked at them. Some of the tabs are different colors. And this is a status of how many you've drank and how -- you know, how often or what different kinds and the kids wear these tabs to represent that.

And in terms of the energy drinks, there is also, you know, the collection of trying to drink all the different kinds and the companies many times change their branding and their marketing to entice new people and entice them to purchase the new product. And again, that's the same for those products that have melatonin and other substances.

REP. TABORSK: And last question for me, I -- in doing some research, I was trying to find out if there was any movement at the national level to address some of these marketing schemes, and again, I'll mention the melatonin food products and I did come across an FDA -- I think it was a letter of warning or something like that was issued to I think Lazy Cakes. And I was wondering if you were aware of that or if you had any other information about whether or not there's anything going on at the federal level that you're aware of.

MICHELE DEVINE: I am aware of the letter that went out for Lazy Cakes and what had happened is the company -- it's my understanding -- took -- and similar to other products, for example, Four Loco -- they take the product, they change some of the ingredients, they change some of the marketing material and then put it back and they have now complied with some of the, you know, concerns that the FDA or other agencies have, you know, said about their products. So similar what we're seeing the synthetic marijuana, they're just changing the

combination of the product and releasing in a different way under -- and you know, and just moving around the system that way.

So there are -- there was a federal warning. It did not -- it did get those off the shelf for a small period of time. They are back on because there was, you know, no strength behind so -- and there are some national organizations that are looking at these topics, but again, it needs support and teeth.

REP. TABORSAK: Well, thanks for your testimony. It's an important issue, you know, involving children, youth and, you know, I appreciate you taking time out of your day to come testify and help us learn a little bit more about some of these products.

Thank you, Mr. Chairman.

SENATOR DOYLE: Thank you.

Any further questions?

Seeing none -- Senator Leone.

SENATOR LEONE: Thank you, Mr. Chairman. Thanks for the indulgence.

Just one quick question, I just want to clarify. You mentioned real quick, you were against Section 2. Could you clarify that?

MICHELE DEVINE: Yes, and I don't -- Section 2, let's see, the bill that we currently have on the social host holds an adult liable if they are or are not present for the underage drinking in their home. So this bill would not hold the parents responsible if they are not present. And what we have found in our survey in southeastern Connecticut is 38

percent of 11th and 12th graders are getting alcohol from their parents with their parent's permission. And in many of those cases, parents are purchasing the alcohol and feeling that their child is safe in their own home but the parents are going to out to the theater, or a movie or a date night or what not.

So this part of the bill, Section 2, is saying that the parents cannot be held responsible if they are not present and I don't know if that is the best way to go about because there are parents are not aware that drinking is happening in the home. There are many parents that purchase and provide the alcohol and then leave.

SENATOR LEONE: Thank you. And under those circumstances, I can see how your thoughts are correct, but my worry is the fact that parents that don't purchase for their kids, but they're just not there and their kids or other kids bring the alcohol on the premises then they're held liable to me raises a concern and there's got to be some level of protections for parents that do the right things. They're not at their home and they're inevitably brought in under the net this potential language so I would just be hesitant about that, but I just wanted to clarify your point. So thank you.

MICHELE DEVINE: And I -- just to comment on that, I do agree if the fine or the sanction was significant, but I believe right it's only a small monetary fine that -- so maybe the perception is different, the fine itself is not necessarily anything significant.

SENATOR DOYLE: Thank you.

Any further questions?

discussions with the Commissioner? The commissioner didn't speak to this bill, that's my recollection and I was here throughout his testimony. He spoke on his own bill, but I'm just wondering, I mean, what's the Consumer Protection's read on all this.

SCOTT SYLVESTER: I can tell you that I have no personally spoken with the Commissioner. We -- back in May of -- May of last year -- May of '11, we did work with the Commissioner through our corporate offices and our attorneys to -- and hiring a local attorney to represent this perspective and it -- at that point, you know, I know we sent a letter but we did not get a response -- a favorable response to change our classification at that point.

SENATOR KISSEL: Okay. Thank you.

REP. TABORSAK: Are there any other questions?

If not, thank you for your testimony.

SCOTT SYLVESTER: Thank you very much.

REP. TABORSAK: Brian Goldwyn followed by Eugene Marcone followed by Gerry Keegan.

BRIAN GOLDWYN: Good afternoon. My name is Brian Goldwyn. I am 17 years old and a student at Jonathan Law High School in Milford. I'm speaking on behalf of Bill 5360 prohibiting the sale of certain dangerous substances, items and products to minors. I'm just going to focus on that part of it.

When I was in middle school, I first heard about bong. At that time, I thought they were only for smoking marijuana. It wasn't until a few years later that I learned that

people used bongs to smoke legal tobacco. In the same way I had no idea that people rolled their own cigarettes, I only knew about rolling paper for joints. These are just two examples of how paraphernalia that young kids identify with drugs rather than tobacco. Given those of us who have no interest in using drugs, knowing how and where to obtain it, making drug paraphernalia to use those drugs unavailable is analogous to having a great sports car capable of going 115 miles per hour but only having dirt roads to drive on.

Kids can get the marijuana, but you have the power to make it difficult for them to use it in the manner they will. Carding people who want to buy drug paraphernalia and removing it from store-front displays will make it harder for kids to get it. I joined the Milford Prevention Council to help find a way to reduce drug use and underage drinking among my peers. This bill is the first step in accomplishing what we all want. It's a good first step, but it needs to be strengthened.

Thank you for allowing me to speak about the community problem. It is a problem that is not exclusive to Milford or even to Connecticut.

REP. TABORSAK: Thank you for your testimony. And I just want to say that I think it's a fine thing that you're doing at your age getting involved in the process and in this organization that you're in.

BRIAN GOLDWYN: Thank you.

REP. TABORSAK: I'd just like actually to ask you, if you could, you probably heard some other people testify because I think you've been

here pretty much the whole, on the issue of energy drinks, I think someone prior to your testimony talked about almost like a competition going on in one of the schools in our state where kids were competing with each other as to, you know, I think, how many energy drinks they could drink or if they could drink one of each brand, something of that nature. Have you seen anything like that with regard to energy drinks?

BRIAN GOLDWYN: Well, not in my school, but I know my brother collects soda, like energy drink cans because they nice graphics on them.

REP. TABORSAK: I'm sorry. They have a nice what?

BRIAN GOLDWYN: They have like attractive graphics on them.

REP. TABORSAK: Okay. Well, that's -- that's helpful.

Are there any other questions from the committee? Any other comments?

Great. Thank you for your testimony.

BRIAN GOLDWYN: Thank you.

REP. TABORSAK: Eugene Marconi followed by Gerry Keegan followed Robert Zygmunt.

EUGENE MARCONI: Good afternoon, Representative Taborsak, and members of the committee. My name is Eugene Marconi. I'm general counsel of the Connecticut Association of Realtors and I have with me a member of the association, Mike Barbaro with the Chair's permission, Mike was also signed up to speak on the exact same bill and we thought we could kill two birds with one stone with the Chair's permission.

HB 5087
SB 15
HB 5141

practical point of view is going to have stop delivering the fuel if we can't get a response from the customer. We also have many customers that have multiple homes. We have customers we've never met. In some cases, it's an estate with three or four installations. Try and get those people to respond to a mailing or phone calls for an existing service, like I said in my testimony, I don't think there's any other service that you have your home that requires you to sign up again.

Guaranteed-price contracts are totally arrangements. There is statutory language that requires those to be in writing. There's an 18-month limit on those terms. We have absolutely no problem with that and I think it makes sense because it protects both the company as well as the consumer.

REP. TABORSAK: Are there any other questions?

Thanks for your testimony today.

STEPHEN G. ROSENTEL: Thank you.

REP. TABORSAK: We have Sandra Grance followed by Tom Davis followed by Paul Taormina.

SANDRA GRANCE: Good afternoon, Mr. Chairman and members of the committee. Thank you for letting me speak before you today. My name is Sandra Grance and I'm with the American Beverage Association. We represent the broad spectrum of companies that manufacture and distribute nonalcoholic beverages including soft drinks, teas, juices, waters, sport drinks and energy drinks. I'm here on behalf of our local distributors including Coke, Pepsi and Red Bull.

HB 5360

These companies employ more than 1700 people here in Connecticut and I'm testifying in opposition to House Bill 5360, proposal to ban the sale of energy drinks to minors. This legislation, while well-intentioned, does not have scientific basis and is misguided. Energy drinks and all of their ingredients are regulated by the U.S. Food and Drug Administration. They also meet all government labeling regulations and when compared on a per ounce basis, most energy drinks contain less than or equal to the amount of caffeine in an average cup of Coffee House coffee. And specifically, energy drinks typically contain between 60 and 100 milligrams of caffeine in an eight ounce serving while an eight ounce cup of drip coffee contains between 104 and 192 milligrams.

And the U.S. FDA considers caffeine safe for all consumers including children. It's important to know that members of the American Beverage Association do not sell energy drinks to students in schools nor do we market them in schools. We also follow the principals set forth in the Children's Advertising Review Unit, which is part of the advertising industries self-regulation program. And to move beyond these existing policies, we developed the ABA guidance for responsible labeling and marketing of energy drinks. Under this policy, ABA members have come together to voluntarily label their products with the caffeine amount, place the voluntary advisory statement and agree to not promote the mixing of these beverage with alcohol or make any claims that the consumption of alcohol together with energy drinks counteract with the effects of alcohol.

This voluntary document, which has been distributed to all, enables consumers to enjoy

energy drinks moderately and responsibly. With due respect to the sponsors and those who testified in favor this legislation, we're unsure of the nature and extent of the problem that this bill purports to solve. You should be aware the slipperily slope that such a ban could create and to be consistent you would need to ban coffee or tea or even some chocolate from minors. And also making products off limits can have the unintended effect of making them more desirable to minors. Our goals is to teach young people about balance and moderation.

And I appreciate the time to speak before you today. I'd be happy to take questions. Thank you.

REP. TABORSAK: Any questions from the committee?

Thank you for your testimony. I just have a request actually.

SANDRA GRANCE: Sure.

REP. TABORSAK: Would you be able to provide with -- and I don't know if you did in your testimony -- with this responsible labeling -- can you --

SANDRA GRANCE: Yeah.

REP. TABORSAK: -- repeat the name of that --

SANDRA GRANCE: Yeah, the responsible labeling and marketing guidelines. Yes, if you haven't received them, I'll make sure that the members receive them, but you should have them.

REP. TABORSAK: Okay.

SANDRA GRANCE: So I'll confirm that. Thank you.

REP. TABORSAK: Thank you. Appreciate that. Thank you.

Tom Davis followed by Paul Taormina followed by Susan Giacalone.

THOMAS DAVIS: Thank you, Representative Taborsak and Senator Doyle and members of the committee. I'd like to start by saying that I'm very sorry about the death of that individual that I heard about this morning, the young man who died last year in February. I've been with this company since it was founded and that is the first death ascribed to this Monster energy drink that I've ever heard of and I answer every medical claim that I ever get and I answer every medical claim for the company for the last 30 years.

HB 5360

So what I'm going to say has to do with the care and the safety of these drinks and I'm also open to any question that you have. So thank you for this opportunity to allow me to discuss the careful and responsible formulation and manufacturing of the Monster energy drinks. I wish to cover only the following points in the limited time I have. I am of professor of medical pharmacology, professor of physiology and neuroscience at the University of Arizona College of Medicine for the past 31 years. I'm also the last family member of the founding family-owned beverage company, Hansen's National.

As one of the founders of Hansen's Natural, now now known as Monster Energy Company, I remain the formulation chemist for Monster Energy Company today.

There is a typo on line 2.

It should say Hansen's Energy was formulated by me as one of over 100 different beverages in my family business, Hansen's Natural, founded in 1979 by my cousin Tim Hansen and myself. I considered it my ethical, moral and family responsibility to always formulate each and every beverage with levels of vitamins, nutraceuticals, amino acids, such as taurine, and chemical components that are not toxic and which are pure and safe. Number 3, I've studied the bill and can testify that Monster energy does not contain excessively high levels of caffeine, caffeine derivatives, guarana or tarring. I have studied and continue to study every single day any and all human and animal data on the response and efficacy of guarana, caffeine, caffeine derivatives and taurine alone and in synergism.

Monster Energy does not contain any -- a level of any chemical that even approaches the known toxic effects. Careful formulation of every chemical component is paramount in the Hansen Beverage Company and continues in the Monster Energy Company today. I'm available at any time to discuss the issue or any related issue due to the confusion that is really apparent in the pharmacology of these compounds. I gave you my cell number and my e-mail address. And I thank you very much for your time.

REP. TABORSAK: Thank you for your testimony.

Are there -- yes, Senator Kissel has a question.

SENATOR KISSEL: Thank you for coming to testify this afternoon.

What exactly is guarana and taurine? Because I've seen it in beverages that I drink every

once in awhile and I go I don't know where there stuff comes from. What is it?

THOMAS DAVIS: Guarana is actually an herb. It's a leaf. It's very common in Peru and Argentina. It is the one herb or leave or plant that has the highest concentration of caffeine per wet or dry weight. That doesn't mean that the concentration is very high because you can't use much of it because it's very bitter. So in our drink, we use 200 milligrams of the extract. That's equal to one milligram of caffeine. The other compounds that are in guarana are some caffeine-line derivatives called xanthines like theobromine and theophylline at microgram levels, part per billion, part per trillion trace levels. So the active component of guarana is caffeine at a very level, one milligram per can of Monster.

Taurine is an amino acid. It has nothing to do with caffeine. Its mechanism of action is to help aid the heart cell, actually. It aids contractility of the heart. It's used at a level of six to ten grams per day as a nutraceutical in Japan for individuals that feel they have a heart issue or they work too hard and they're under stress. So it is an amino acid. It is a sulfer containing amino acid. You have it in your blood stream today. When you were born, you didn't have it so they supplement it in baby formula today because the child doesn't have it until they reach a certain age when the body can synthesize it. So taurine is an amino acid used to stabilize heart cells and muscle cells primarily. It is very difficult to get into the brain. The blood brain barrier blocks taurine except for its transport, but then if it gets at a level too high at all, it flexes it out by another transporter. So taurine has a very difficult

time even getting into the brain, not the same for caffeine.

SENATOR KISSEL: And, you know, I felt so bad for that father and mother that lost their 19-year-old and any of us that have children, that's probably the worst thing that could ever happen to you. But it seems like because there was nowhere else to look for a reason for his passing that they came to conclusion that absent anything else through the autopsy and the analysis that they came up with these four large Monster drinks, and I mean, is there anything out there whatsoever when you said that the taurine helps with the help? I mean, could it make the heart rate? Could someone have a heart attack? I mean, I'm just -- you know, I'm very sympathetic to their argument, but I'm sure that the statistics prove that millions of people are using this product daily without incident.

THOMAS DAVIS: We sell about a billion cans a year, billion worldwide. I can say that I was a toxicologist for the Office of Medical Examiner in Pima County from 1980 to '85, the dean of medicine loaned me over there for some toxicity issues with actually caffeine and theophylline, actually. I can tell you that a caffeine level of zero, caffeine is stable as a rock as a chemical. If you pull a blood sample, you store it in the freezer, caffeine is stable as a rock. If the caffeine is zero as they reported, there is something wrong either with the analysis or the level. Why? Caffeine has a life of three to five hours. A person taking 160 milligrams, which is 10 milligrams an ounce, which is 50 percent to 70 percent lower than Starbucks coffee or any chain coffee, so our caffeine concentration already is 50 to 70 percent lower per fluid ounce, but still if they take in three to four

cans over a period of time, there's got to be a blood level of caffeine. It just is a fact if the problem is ascribed to caffeine.

Now, you look at taurine as an amino acid, there is no synergism activity ever published on Earth between caffeine and taurine. They're two different mechanisms all together. Caffeine acts in the brain on the adenosine receptors. Taurine is an amino acid. It doesn't act that way at it. It functions in a different role as a chemical.

I feel very bad for what I heard today, believe me. I answer these -- and I only get one or two issues a week of someone throwing up or someone having some kind of a negative effect due to the Monster beverage. I've only had 8 adverse event reports from the FDA in 30 years and anybody can send in a adverse event report to the FDA so what I heard today upset me. No question. I have two grandchildren. I have three children of my own. If I lost my boy, I wouldn't be sitting here. Okay. I would stay in Tuscan and not move so I understand the problem and it bothers me. I can reach out. I can try to get some answers. There is a metabolite of caffeine called paraxanthine, easily identified in that blood sample. If the paraxanthine was high, evidence of caffeine was on board at some time. It is stable as a rock, too, by the way.

These are all in the medical literature. You can follow caffeine levels. You can follow paraxanthine. You can go back to find out exactly how much they consumed. It's all well-established. The problem I have is that information from the autopsy doesn't fit what I would have expected for a caffeine issue. Now, am I worried about caffeine sensitivity?

Yes. You're looking at the guy who wrote the very first warning on any can in the world for a caffeine beverage. I wrote it in 1991. Why? Because the Hansen beverage company never put out a caffeine beverage in its lifetime since '36 when my uncle the original, you know, juice company and said "Warning: Product contains caffeine, not appropriate for children, people sensitive to caffeine and pregnant individuals."

So yeah, it bothers me and I'm concerned about it and if I can help in any way, I will, but I just don't know what happened in that situation. I do know the pharmacology of caffeine pretty well and I do know the pharmacology of taurine and guarana, but as far as what happened, I don't know what happened.

SENATOR KISSEL: Thank you very much.

Thank you, Mr. Chairman.

REP. TABORSAK: Are there any other questions?

If not, thank you for your testimony.

THOMAS DAVIS: Thank you very much, sir.

REP. TABORSAK: Paul Taormina followed by Susan Giacalone and then Jason Racette.

PAUL TAORMINA: Good afternoon, Senator Doyle and Representative Taborsak. Thank you for enabling me to present my case on the testimony. My name is Paul Taormina. I'm a professional engineer, past president and national delegate from the Connecticut Society of Professional Engineers. We have about 350 licensed professional engineers in all disciplines and they practice in all areas in

SB 269

continuing educational requirements contained in this bill. I'm not aware of any substantive contact prior to the raising of the bill between those who raised the bill and the professional land surveying community. I know that CALS board has not seen this and I do not believe the land surveyors on the Board of Examiners voted on it or even reviewed it.

In view of the above, I ask you to strike the required surveying education from this bill. I do so with the hope that a more transparent process may be established to consider this subject in more detail. A process with more discussion will provide a way for this serious issue to be more adequately address legislatively at some point in the future.

Thank you for your time. And I'll answer any questions that you have.

REP. TABORSAK: Thank you for your testimony.

Are there any questions?

Thank you, sir.

Next is Joe Luppino followed by T. Michael Morrissey followed by Jeffrey Nielson.

JOSEPH LUPPINO: Good afternoon. For the record, my name is Joseph Luppino. I'm the director of public affairs for Red Bull North America. Red Bull appreciates the opportunity to participate in this public hearing and speak to you about House Bill 5360, specifically, we wish to speak to the provision which would prohibit the sale of energy drinks containing caffeine, caffeine derivatives, guarana or taurine to persons under the age of 18.

Red Bull was founded in 1984 and started

selling Red Bull energy drink in 1987. With its launch, it created a totally new product category, which is now referred now to the modern energy drink. Since 1987, around 30 billion cans of Red Bull have been consumed in more than 160 countries around the world. Last year alone in the United States, Red Bull sold more than 1 billion cans just here in the United States and today remains the world's number one energy drink. Red Bull shares the commitment of the Connecticut General Assembly to ensure that consumers have access to safe and quality food and beverages; however, we believe that the provisions within House Bill 5360 relating to energy drinks are unwarranted given the scientific-evidence base and the current regulatory scheme for energy drinks in the United States.

I don't want to repeat what's been said by other individuals who have testified on this issue; however, I would like to speak to some comments that were made earlier today. Specifically, one comment was made with respect to the fact that combined ingredients contained within energy drinks posed what was referred to as a high-risk to consumers. And just as a point of information for the members of the committee, the European Food Safety Authority, which is essentially the United States equivalent for the Food and Drug Administration, spent over ten years actually studying the key ingredients in energy drinks and they found them each to be safe as ingredients and equally to be safe when combined with each other. And that was after literally over ten years of studies. It was a series of actually three different studies that were -- that were conducted by EFSA.

There was a also a comment that was made that energy drinks are not regulated by the United

States Food and Drug Administration and truth by told, frankly, that's -- that's -- nothing could be further from the truth. They are fully regulated and actually every manufacturer must be able to prove the safety of every ingredient that's in each one of our products regardless of whether our formulation is different from -- whether it's Monster or anybody else, every one of us have to be able to prove the safety of every ingredient that's contained within each of our products.

Just as a further point of clarification, although I believe that Dr. Davis actually made the comment as well, because there was a comment made about taurine. Taurine does not contain caffeine and I want to make sure, at least for the record, that there's clarification around that point because it seemed to be inferred before that actually taurine does contain caffeine and it does not. Also, there was an issue with respect energy drinks and what are referred to as, I guess, as alcoholic energy drinks, and there was reference to a made a to product that is Four Loco and the comment was, again -- it was suggested that that is, quote/unquote, back again or back on the market. The truth of the matter is that product does not contain caffeine. That reformulated that product and they took the caffeine out of it. Again, just as a point of information for the members of the committee.

And just to conclude, if I may, you know, Red Bull has been sold across -- again, across the United States since 1997. There is not one single -- one single legal jurisdiction anywhere in the United State that has seen fit to restrict the sale of these products. It would really be unprecedented and unfounded for the state of Connecticut to impose these

restrictions and we would ask you to oppose that provision of House Bill 5360. Thank you very much.

REP. TABORSAK: Thank you for your testimony.

Are there any -- Senator Kissel.

SENATOR KISSEL: Thank you for coming to testify this afternoon.

Regarding some of these drinks, I notice when I read the ingredients, I mean I had already asked the doctor about taurine, guarana -- and actually, it's interesting because taurine sounds like caffeine, but actually, that's the one that's not related to caffeine; whereas, guarana doesn't like caffeine but it is sort of related. So it's a complicated jungle of chemicals out there. But I noticed that with a lot of these energy drinks, they also have a lot of B vitamins, different vitamins components so it's almost like it's a total package of ingredients. I'm just wondering for my own edification -- I know that it has been studied. I know that the European Union has apparently found them to be not dangerous whatsoever. But what is it essentially, if it's not similar to just coffee and caffeine that makes energy drinks different than other things that we can ingest.

REESE ROBERTS: Well --

SENATOR KISSEL: Without revealing any, you know, corporate secrets.

REESE ROBERTS: Right. And we'll try not to do that obviously.

But I mean, the truth of the matter is it really is -- I mean, it's a different products

than other products that had been -- that had been marketed and sold previously. It's not just the caffeine, obviously. It's caffeine and the other ingredients that make it what is, which is a functional beverage. We do not -- for example, we don't try to suggest that we are sports drink or that we a rehydration -- you know, a form of rehydration. That's not what the product is and so we don't sell or market it as such.

And it is, in fact, a functional beverage. The ingredients that are in there collectively provide a certain benefit to the human body. As Dr. Davis was mentioning when he was talking about some of these things relate to making greater productivity of the heart. There is antioxidants, B vitamins. It's a combination of ingredients that essentially provides a just higher level of functionality for the person who consumers the product.

SENATOR KISSEL: Only because I'm thinking -- I mean, no offense, but Red Bull is one of the pricier products out there, and if you're selling a billion cans of this a year, obviously, there is a market and there is a very loyal customer base that you have so absent some kind of empirical data that would show that there is some danger, again, my heart goes out to that mom and dad, I mean, just -- but I think it's the absence of any other indication as to what happened.

REESE ROBERTS: Yeah, I mean --

SENATOR KISSEL: And the only sort of evidence was that he had ingested these four cans of Monster beverage and absent some sort of linkage, it doesn't seem like -- I mean, if I were in their shoes, I would be here at the public hearing today.

REESE ROBERTS: So would I. And, Senator, you said it before, and you know -- I mean, I'm a parent. I happen to be the parent of a sole child, if you will, and I don't know what I would do. Frankly, I happen to be the child of parents who -- actually, my older brother passed away, obviously, much earlier than he should have and, you know, I see my parents now literally ten years after my brother passed away and they still struggle with it every day. And so there is no way I could ever understand frankly what my parents have gone through much less what these folks have had to endure. So I'm not -- would certainly not try to suggest anything. But the truth of the matter is, as far as these products are concerned, the individual ingredients in these products are safe. The ingredients in these products collectively are safe.

SENATOR KISSEL: Thank you, Mr. Chair.

REP. TABORSAK: Thank you.

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

A question I have is if the ingredients are safe and they have been approved by the various agencies or jurisdiction that you described, what is the harm for Connecticut to come up with regulations and guidelines that presumably would look at all, you know, the criteria that have been judged by other jurisdictions to determine that your drink is safe and I presume if that's, you know, true than our regulations would parent what other regulations have provided and at least it would create a ceiling so that nobody could go over the excess amount of ingredients put into

these drinks.

So my question is: What harm does it do to have Connecticut devise its own regulations assuming it's going to take a serious look at what exists already?

JOSEPH LUPPINO: I mean obviously, Representative, the State of Connecticut, like any other legal jurisdiction, has the prerogative to do anything that it would like in that respect, specifically to how obviously the -- the language is drafted in its current form. It doesn't say to promulgate regulations to establish thresholds or anything like that. What it says is it will prohibit the sale to persons under the age of 18.

So that's, in and of itself, first and foremost I guess what I would say. That is -- is -- we're talking -- I believe it seems like we'd be talking about two different things and if you were talking about something like that, it would probably be a different conversation that would be being had with some people from the industry.

And second to that as far as that is -- as far as that goes, I mean the truth of the matter is, you know, food products in the United States are regulated by the Food and Drug Administration and the question becomes whether or not the State of Connecticut wants to get in the business of regulating food products beyond what the Food and Drug Administration is doing already at the national level.

And so that obviously, of course, is -- is a decision that this Committee would take and then obviously the -- the two Houses of the Legislature and the Governor would take as far

as -- as far as that is concerned.

You know so I think that again, in some respects, there're -- there're somewhat different issues. Again though the Committee certainly has the right to do it and -- and certainly as industry, if the Committee decides to go forward with trying to promulgate regs in this respect, obviously we would like to be a part of that conversation to make sure that it was being done in the most fully informed way possible.

REP. BARAM: In -- in my time here we have undertaken, you know, several bills that regulate food. Even today you probably heard testimony about advertising Connecticut home grown food which is a -- a form of regulation if you will. So I -- I don't think this is any new precedent but what I'm hearing you say if perhaps there was a different approach, it might be something that the industry would be willing to accept.

JOSEPH LUPPINO: Again yeah obviously it would depend on what the sum and substance of that was. I mean the truth of the matter is -- I mean frankly we're no different than any other food or beverage that is out there. We work and -- and compete obviously in a rather competitive marketplace and a very full marketplace and the truth of the matter is, depending on -- and -- on the -- on the restrictions that would be imposed on this particular class of -- of products, it's putting us at a competitive disadvantage to other products and the question becomes exactly what is the basis for doing that? Is there scientific evidence to actually justify that kind of regulation?

And the truth of the matter is we don't

believe there is. As a matter of fact we know that there is not. And so from a competitive standpoint, because we are competing against other drinks and beverages that are out there, non-alcoholic drinks and beverages, and for us to be put at a competitive disadvantage I think that frankly the State of Connecticut would have to seriously consider whether or not that's the right thing to do, quite honestly, to those of us that are in this business.

REP. BARAM: Does the FDA require any kind of warning on your drinks right now?

JOSEPH LUPPINO: They don't require any kind of warning because there's nothing in it that warrants having a warning on it. Dr. Davis made a reference I believe to -- to how Monster Products are -- are -- a statement that -- that's contained on Monster Products and similarly Red Bull products have a -- a provision on them that frankly say not recommended for children, not recommended for women who are pregnant or nursing, not recommended for individuals who are caffeine sensitive. That's to make people aware of it. Frankly if you're caffeine sensitive, I'd like to think you're smart enough to realize you shouldn't be drinking caffeinated products.

But we've put that provision on -- on our packaging to make sure that at least people are aware of that. But there's no warning required by the federal government because there's not anything in our products that warrant having a warning on them.

REP. BARAM: Well that begs my next question. If you voluntarily put something on your -- your drink that says not recommended for children, isn't a child somebody under the age of 18?

JOSEPH LUPPINO: No a child is not someone under the age of 18.

REP. BARAM: How would you define what a child is?

JOSEPH LUPPINO: We as a company define children as individuals under the age of 15.

REP. BARAM: So if the legislation was passed that prohibited this drink for anyone under the age of 15, would that make a difference to you?

JOSEPH LUPPINO: Would it make a difference? I mean I -- I mean that's a bit of a hypothetical question. Would Red Bull endorse a bill that said that the State of Connecticut would impose a mandatory minimum purchase age on our products for anyone under the age of 15? I don't think that we would come out -- coming up here with a memorandum in support, truthfully.

But again we, as a business, have made a conscious decision ourselves. We don't market to those individuals. We don't sell to those individuals. We don't sample to those individuals. You know at the end of the day, though, obviously there's a certain amount of responsibility, individual as well as parental, and you can't legislate that at the end of the day. Being the father of a teenager I'm keenly aware of that.

REP. BARAM: Thank you very much.

REP. TABORSAK: Any further questions?
Representative Reed.

REP. REED: Thank you, Mr. Chairman.

Just interested to know what is your -- the

161
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

size of the U.S. division of your company?

JOSEPH LUPPINO: The size as far as like --

REP. REED: Employees.

JOSEPH LUPPINO: We have about 850 employees in the United States, direct employees, that work for Red Bull and then frankly as you can imagine with a company that is a manufacturer and a marketer, the vast majority of -- of actually quote/unquote the people who work for us, if you want to call it that, but it is, in fact, at state level our distributors, we have distributors all across the country. We have a distributor here in -- in Connecticut, Northeast Distributing out of Orange, Connecticut. They employ about 120 people down there.

And we have similarly, obviously in -- in all the different states we have -- we have distributors that -- that transact business for us and then obviously by extension the retailers who actually sell our products.

REP. REED: Thank you and what is the -- what is the percentage of growth that you're experiencing with your U.S. market annually? Do you have a sense of that?

JOSEPH LUPPINO: Generally speaking I would say it's probably in the low double digits right now collectively as far as energy drinks are concerned. Obviously when the economy was a bit off a few years ago and the economy is obviously not particularly great still, but certainly at the -- at the worst of things frankly, for all practical purposes, growth is flat, so --

REP. REED: And just one more quick question. And

when you do your focus groups, why do people say they buy it? What -- what are they looking for?

JOSEPH LUPPINO: It's an energizer. I mean essentially it provides people with -- with a higher level of energy and focus and they -- they feel that the product actually provides that benefit.

I mean I've said this to several people, not necessarily today, but just in conversations when I've -- when I've talked about the product that we make and that we sell. You know, Senator, you made reference to the fact that -- that we're not exactly the cheapest thing on the shelf. You know generally speaking people aren't going to spend \$3 on an 8.4 ounce can unless they actually think it's doing something.

And the truth of the matter is our product and, to the credit of others who are in the space, they're products as well provide the benefit that they actually offer to the consumer.

REP. REED: Thank you for your testimony.

Thank you, Mr. Chairman.

REP. TABORSAK: Okay, any other questions from the Committee? If not, just a quick question or two.

You mentioned a -- a -- the study in Europe over a period of like ten years, how old is that study? I'm just -- and if you could explain that a little bit more.

JOSEPH LUPPINO: The studies themselves started -- it was a ser -- a series of three different

studies and they started in 1993 and they concluded in 2003.

REP. TABORSK: Do you -- can you explain why we're relying on a study in Europe? Is there an equivalent study in the United States that you know of or --?

JOSEPH LUPPINO: No if there was I would tell you. I mean it's not that I'm -- I'm not trying to suggested that there's something out there that isn't or isn't out there that is. It's just the truth of the matter is energy drinks -- energy drinks and again, if you will, the modern energy drink -- I make reference to it that way because while Red Bull is a pretty incredible marketing company, you know, we didn't come up with the concept all by ourselves.

The founder of the company actually saw what was originally referred to, and still is referred to, as tonic drinks. They're sold prid -- primarily like in -- in Far East in Asia. They've been around for quite some time. They are essentially a non-carbonated version of what you see as an energy drink in the United States.

There's some other differences, obviously. They're -- they're not as -- they don't have the same flavor profile, for example. Americans obviously don't necessarily have the same palette as people from -- from the Far East.

But -- so the products have -- you know they've been around even before and all of that. They came -- you know they came in through Europe. The founder of the company is actually -- he's Austrian and started selling firstly in Austria and then other parts of

Europe and then from Europe kind of went out, if you will.

And the truth of the matter is obviously these were new to market in Europe first. The European Food Standards Authority, for those of you who may not be familiar, I happen to have had the good fortune of living and working in -- in Belgium and Brussels for three and a half years for a different company. I wasn't working for Red Bull at the time but EFSA is unquestionably the most rigorous food regulator in the world.

And I think that in some respects, I am not going to presuppose obviously anything the United States, FDA or anyone else has done, but I think that the rigor with which EFSA actually applied to this particular body of work, I think others have said there's really not a lot of space to do anything more at this point and so that really seems to be the case more than anything else.

REP. TABORSAK: Thank you. If you haven't already or if you have, if you could provide us with that study, a link to it, something like that, we would appreciate it.

JOSEPH LUPPINO: The EFSA studies?

REP. TABORSAK: Yes.

JOSEPH LUPPINO: Be happy to do that.

REP. TABORSAK: Great.

JOSEPH LUPPINO: Yup.

REP. TABORSAK: Great.

JOSEPH LUPPINO: Okay.

REP. TABORSAK: Thank you.

JOSEPH LUPPINO: Thank you.

REP. TABORSAK: Any other questions?

If not, thank you for your testimony.

JOSEPH LUPPINO: Thank you.

REP. TABORSAK: T. Michael Morrissey followed by -- I -- I apologize. Actually we'll take Mr. Morrissey then we're going to switch over. We've been joined by a public official, Representative Rojas. So Mr. Morrissey you can -- you can speak now and then we're going to go to Representative Rojas and then back to the public list.

T. MICHAEL MORRISSEY: If it pleases the Chair I would be happy to yield my time to the Representative in deference to his time.

REP. TABORSAK: He's actually looking forward to hearing your testimony.

T. MICHAEL MORRISSEY: Thank you. Senator Doyle, Representative Taborsak and other distinguished members of your Committee, I'm Mike Morrissey. I reside in Glastonbury. I'm also the state director to the National Propane Gas Association.

Today I represent our trade members of our National Propane Gas Association and I'm here to comment on Senate Bill 207. This bill is the product of a lot of hard work on the part of government and industry over the last four or five years. Our industry continues to enjoy terrific growth and it's important consumers who elect to use propane be provided

170
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

REP. ROJAS: Thank you.

REP. TABORSAK: Officer Nielsen and Officer Ospina.

Do you guys want to testify together? We're okay with that if want -- you're -- you're in -- you're set to be a speaker so we don't have a problem with that at all.

A VOICE: (Inaudible) that'd be fine.

JEFFREY NIELSEN: If that'll facilitate things, that'd be fine.

REP. TABORSAK: Great.

JEFFREY NIELSEN: First off I'd like to thank the chairpersons and the members of the Committee for allowing us to speak on behalf of Milford Police Department and for everyone here today. Myself, my name is Jeffrey Nielsen. I'm currently serving as a crime prevention officer with the Milford Police Department.

During the past 18 years of service I've been involved in many situations where youths have been in possession of alcohol, tobacco, drugs and related paraphernalia. And we've seen the damage of those possessions with sexual assaults, car accidents, fights, detoxes, overdoses and so forth so these kids have been in danger.

I'm here today speaking in favor of Bill 5360 as it pertains to Section 1 of the bill, specifically tobacco paraphernalia and products that are dangerous to the health and well-being of persons under the age of 18 years old.

Tobacco, commonly referred to as a gateway drug, is very accessible in our city -- our

society, being sold at several locations in towns and cities across our state. Tobacco usage among school age children is the highest among students ages 12 to 14 years of age.

Despite the warnings and medical problems associated with tobacco use and products, people are still using, selling and promoting these tobacco products on a daily basis.

In Connecticut there are over 4,600 licensed retailers that sell tobacco products and in many of these locations tobacco paraphernalia including, but not limited to, rolling papers, smoking pipes, bongos are displayed for sale. In addition many of these tobacco paraphernalia items are referred to as drug paraphernalia on a Drug Enforcement Administration's website.

The proposed language in this bill is intended to prohibit anyone from selling any substance, item or product listed in Subsection (a) of the proposed bill. Respectfully I'm requesting consideration in strengthening that language so it mirrors current statutes that apply to tobacco and minors which are 53-344(b) and 53-344(c). These current statutes have clear and effective language which addresses areas concerning minors under the age of 18 in regards to sale, giving, delivery, purchasing, misrepresentation of age and possession of tobacco in a public place.

By revising the language in Bill 5360 and adding tobacco paraphernalia we will be able to restrict youth access to smoking materials. Also I would suggest language that addresses possession of tobacco and tobacco paraphernalia in a private setting synonymous with the current underage alcohol statutes we have.

Just to share a story, in late 2011 I had an opportunity to speak with a Juvenile Probation Officer regarding concerns of his client's parents. They informed us that the children were smoking incense products, referred to as herbal incense products, and these kids were smoking this because they were on probation and they knew that it was legal to buy in stores and they knew that it would not show up in a urine test.

So these kids obviously spread the word. You know you can do that through Twitter, Facebook, you know, any social media sites, these kids can see this on the internet. So the information is out there, it's accessible and that's what they think they can do to get by.

Based on this information we had gone to a local smoke shop and we spoke to one of the employees there and they also expressed concerns that kids are congregating outside and they're asking adults to purchase tobacco products and paraphernalia for them. So we increased our presence there obviously as a deterrent to stop these kids from hanging out in these areas.

It is our responsibility to educate, protect and reduce any harmful opportunities that may entice our youth to make unhealthy decisions. I'm asking you please consider Bill 5360, Section 1 and any revisions in the language that will assist us in safeguarding our youth.

I thank you for your time and consideration and if you have any questions I'll be willing to answer those.

REP. TABORSAK: Thank you for your testimony.

Officer Ospina do you want to add anything or are you here for the questions?

WILLIAM OSPINA: I'd just like to add a little bit to that regarding my background. I'm also here to speak in favor of H.B. 5360, Section 1. I've worked with the Department of Mental Health and Addiction Services in the -- in the Tobacco Prevention Enforcement Program with special investigators for the past five years.

In Milford we currently have 82 vendors who sell tobacco and tobacco related paraphernalia and during this time I've noticed an increase in vendors selling more tobacco related paraphernalia including, but not limited to, the rolling papers, pipes and bongs.

Over these five years I've seen a steady rise in violators who sell cigarettes and tobacco products to minors. Along with the internet and social media websites provide opportunities for our youth to communicate with each other telling each other where they can -- the easiest locations to get these tobacco products and -- and paraphernalia.

I'm also looking to address the language to include the paraphernalia in the statutes.

Thank you for allowing me to speak on this also.

REP. TABORSAK: Thank you for your testimony, both of you. We might have some questions here.

Are there any questions from the Committee? Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

When both of you indicated that you support

Section 1, Section 1 includes a number of subsections which -- and one of which talks about energy drinks that we just heard some testimony on. Do you have an opinion on that?

JEFFREY NIELSEN: As I mentioned in my testimony I believe tobacco related products is our focus.

REP. BARAM: And with regard to tobacco related products I had asked a question earlier from some prior speakers about components of the product here that are by themselves legal and may be used for legitimate purposes. How do you tie that into a -- a general prohibition? Again I use the example earlier of rolling paper but now that I'm reading it, it has masked some of these things frankly I'm not familiar with so I don't know if they have a legitimate purpose or not or it's only usable for specific illegal activities. Could -- could you expand on that?

JEFFREY NIELSEN: Sure I think I can speak on -- on behalf of both of us here. Many of these items again I refer to in my testimony are on the DEA website. They're -- they're listed as drug paraphernalia. The stores are marketing these things as use for tobacco or recreational tobacco use.

Our current law says that kids shouldn't canvass tobacco, can't purchase it. So I just don't understand -- I mean it seems logical why provide them with the tools where they can smoke these things, where they can smoke marijuana, crack, cocaine, the synthetic cannabinoids. We're giving them the tools to do this where we should be restricting this from them.

They're under the age of 18. They're not in the proper mind set to make the decisions as

-- as adults like we are. I think the best example if -- if I took a vehicle. A vehicle in and of itself is not dangerous but the person behind the wheel and their actions makes that vehicle dangerous.

So if we kind of relate that to tobacco paraphernalia and tobacco, I -- I think we can kind of pull a correlation there.

REP. TABORSAK: Any other questions from the Committee? Just a question or two because you guys have some unique experience in -- in law enforcement. First I'd ask, because this comes up quite often when -- when we look at creating any new law that involves your help in enforcement, do you foresee any enforcement issues with this proposed legislation or not and you can elaborate on that?

JEFFREY NIELSEN: In -- in regards to tobacco paraphernalia, everything in Section 1.

SENATOR DOYLE: Let's stick with what your -- your focus is.

REP. TABORSAK: Okay that would be fine.

JEFFREY NIELSEN: In regards to paraphernalia I would say no because again we're -- we're driving it and we're focusing at the underage 18 component of this similar to tobacco. So if we look at the language in the statutes, everything is there and it's very clear and it was very well worded when it was written. However, you know, they left out one component which was the tobacco paraphernalia.

So if we use the same -- same language, the same fine fee schedule to subsequent offenses and just even -- I mean many states are -- are taking this and put it into a definition;

they're making everything a tobacco product. That the tobacco, chewing tobacco and paraphernalia, they -- they title it under one definition if that would be something that would be easier to -- to remedy this.

REP. TABORSAK: And just a -- another question on that. The way that the bill is drafted I believe would make it a -- a Class B misdemeanor for anyone who sells one of these prohibited products. It doesn't -- what it doesn't do is it doesn't make it a misdemeanor for someone under the age of 18 to possess any one of these products, I believe. I'm look at it again here. And do you see any issues with that as far as enforcement is concerned or -- or no?

JEFFREY NIELSEN: I don't. I -- I know the current fines for selling I believe are 200, 350 and 500 subsequent offenses as long as they're within a 18 month period. I believe, you know, the final penalty for an adult selling this to a minor should be -- should be more. We know better as adults. We're -- we're here to make sure that they grow into mature and healthy adults and someone providing something like that, a tool, so they can smoke tobacco or other drugs, to me, is irresponsible.

REP. TABORSAK: And so just so I understand you, I guess you don't think that it's necessary for us to take this a step further and make possession by a minor of this prohibited, you know, paraphernalia some sort of a misdemeanor. It -- it seems like you think that we might actually have the right focus in this bill going after the sellers of this -- these things, not also going after the minors possessing. Does that sound right?

JEFFREY NIELSEN: No actually my testimony -- I

actually would like to amend the language in that section to include the language in the current statutes with -- which pertain to -- if you look at the selling portion of it, it doesn't apply to giving or delivering to a minor. So an adult can purchase it and then give it to a minor and there is no repercussions for that.

And also kids can mis -- misrepresent their age and they can purchase and they can do this in a public place. So I think those should be put into the language here so it should be responsibility on both sides and also include a private setting.

If you look at our alcohol statutes, you know, we go to a private house party and there's underage drinking there, we're able to go in there and cite the children that are inside if they're under the age of 21 for possession of alcohol by a minor. I feel the same thing should apply to tobacco and tobacco paraphernalia under the age of 18.

REP. TABORSAK: Thanks for that clarification because that wasn't clear to me that you were looking for that sort of change and that's helpful to hear from -- from the two of you who can speak firsthand about the enforcement of -- of this -- the potential enforcement of it.

With that the one other -- the one other thing I might add, and it's more of a comment than anything else, the story that you describe where certain minors were I think smoking incense really kind of illustrates how even when we pass the best well intended laws, when people want to do something, they can be pretty creative.

And even with this -- and -- and you know we -- there could be situations where probably minors could make things that do the same things as these things that we would be making illegal and that's just a -- an issue that, you know, we have to wrangle with but I just put that out there because you -- you brought that up and it just -- it kind of seems to be a common theme that we deal with whenever we make something illegal. People who want that affect or that substance seem to find a way to try to make it happen in other ways that's all.

JEFFREY NIELSEN: I think referring to the paraphernalia and going back to the -- the comment about the DEA drug paraphernalia website information, for those in the room who might not be aware of this, you know if we have someone with a pipe on them or -- or rolling papers or whatever paraphernalia, if that doesn't have residue in it or it's not accompanied with a drug, narcotic or marijuana, then they're able to possess that. And that's the big problem we have is we can't enforce this and especially with the kids under 18. I mean they just don't have the mindset to -- to deal with this stuff at this point in their lives. They need direction from adults and that's what I think we're responsible for.

REP. TABORSAK: Are other comments or questions from the Committee?

Thank you very much for your testimony today.

JEFFREY NIELSEN: Thank you for having us.

REP. TABORSAK: Tanya Schweitzer followed by Susan Halpin.

WENDY GIBBONS: My name is actually Wendy Gibbons. I had asked permission to speak on behalf of Tanya Schweitzer who had to leave so I'm hoping that's okay.

REP. TABORSAK: Okay, yes.

WENDY GIBBONS: Thank you. Members of the General Law Committee I would like to thank you today for the opportunity to speak to you in strong support of House Bill 5360. Specifically I am here as well to speak of the importance of the tobacco product regulation section of this bill.

I will speak on behalf of Tanya.

My name is Tanya Schweitzer and I am the project coordinator of the Drug Free Communities Grant for the Milford Prevention Council. The mission of the Council is to reduce underage drinking and substance abuse. These goals are achieved through community education, support of law enforcement and the strengthening of our community.

The Milford Prevention Council is in support of the current bill because it aligns with our mission to create a healthier community for our youth. The community members who comprise of MPC are in support of limiting access to tobacco products including, but not limited, rolling papers, bongs, water pipes, smoking masks and others.

The current bill proposes that persons younger than 18 years of age would not be able to purchase these products from retailers. However the Council would ask the language of the bill also make it illegal to give, deliver or deliver these products to youths under the age of 18 which is equivalent to the current

laws for tobacco.

In addition we would ask that the language be strengthened to make it illegal for persons under 18 to purchase or misrepresent their age to purchase tobacco paraphernalia. Since these products are marketed by local retailers for use of tobacco, the laws for purchasing these products should mirror the current laws pertaining to the -- tobacco.

Although these products are marketed as for use with tobacco, these products are not recognized by the federal government, drug enforcement agencies or youth as for -- as for use with tobacco. The federal government defines drug paraphernalia as equipment, products, materials of any kind which are used, intended for use, or designed for use in planting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

Bongs, water pipes and others have been identified as common types of drug paraphernalia even though these are products marketed by retailers as tobacco paraphernalia. Identifying drug paraphernalia can be challenging because products often are marketed as they are designed for legitimate purposes.

Marijuana pipes and bongs, for example, frequently carrying a misleading disclaimer indicating their intendance to be used with -- only with tobacco. Recognizing drug parana -- paraphernalia often involves considering other factors such as the manner in which items are

displayed for sale, descriptive materials or instructions accompanying the items and the type of business -- of businesses selling them.

The appearance of drug pernal -- paraphernalia varies depending on the manufacturer -- sorry --

SENATOR DOYLE: Okay you can -- you can summarize that's fine.

WENDY GIBBONS: Okay. In Milford several of our gas stations and convenience stores have large displays and I believe I submitted some photos that are of local convenience stores, actually some that are directly across the street from one of our high schools so they should be in your packet.

They are displayed like someone mentioned earlier. They are marketed. They're very colorful. We've seen kids walk in and out of stores purchasing them and we're just concerned in regards to the convenience stores having these large displays when you walk in. They're not even behind the desk they're actually in a big casing and -- and very clear for what they are.

Thank you for your time and energy toward these efforts. We hope that you consider the request to strengthen the language of the bill and we really appreciate your efforts to build a safer Connecticut for our youth.

SENATOR DOYLE: Thank you.

Any questions from the Committee?

Seeing none, thank you very much.

186
mb/ch/gbr GENERAL LAW COMMITTEE

March 6, 2012
11:00 A.M.

traditionally but, you know, they're --
they're, you know, they're educational
process, they're -- they're licensing process
is -- is somewhat different than ours, so --

SENATOR DOYLE: Okay. All right, thank you.

Any -- any questions?

Seeing none, thank you very much.

PAUL BRADY: Thank you.

SENATOR DOYLE: Next speaker is Pam Staneski. Is
Pamela here? Yes she is. And Claire Phelan,
Richard Foley, Marissa Heglin, Cameron
Champlin.

PAMELA STANESKI: Good day, Chairman Doyle,
Chairman Taborsak and members of the
Committee. You have my written testimony in
front of you so I'm going to just kind of
touch some points. My name is Pam Staneski
and I am a founding member of the Milford
Prevention Council and you've heard from our
police officers, who are members, Claire
Phelan who is one of our members.

HB 5360

SENATOR DOYLE: Claire's with you, okay.

PAMELA STANESKI: Yes Claire's with me, I'm sorry.

SENATOR DOYLE: And you come together, okay.

PAMELA STANESKI: Wendy, speaking for Tanya who's
our project director and a couple of other
people earlier in the -- the day. So bottom
line is that we're here because we actually
started having a conversation about what we
can do. Enforcement is expensive, education
is expensive and resources are limited.

And you are right, Representative Taborsak, that kids are ingenuous. They -- they are -- they are geniuses at beating the system. But what we find is that when we walk across the street, as Wendy said, to a kiosk or a gas station and there are young people in that gas station and without them having to ask, they can just pick something up and go up there and buy it. It doesn't really provide that thought process of wow is there somebody watching you, they're in and out.

And when we have conversations with the owner, they have the right to sell it. They're legal the way that the law is litten -- written. They're legal to sell to people under 18. But if we ask them if they've moved it to the back and not so much as marketed it by setting it out there, it might offer that extra layer.

You heard Officer Nielsen speak about punitive pieces. They do need to have something put in their hands so that they can enforce what we're trying to do at the Prevention Council. If the kids can't buy tobacco, why should we allow them to have by-products of tobacco and, let's face it, while we know that a person culturally from Europe might want to roll their own cigarettes, when you find a 15 year old or a 16 year old with those, bottom line is they're not using it in a way that it is intended.

So we're asking for the legislation -- legis -- the legislation to be stronger for there to be a fine on both sides and for you to put the tools in the hands of the people who can enforce it so that they that right now.

I know Officer Nielsen didn't speak specifically to young people but actually if you put a fine on there and somebody who's in

possession of that pays. It does -- these -- these kids who are mowing the lawns it does hit them when they have to pay out of their own pocket, so we're asking for that.

Now I know you'll see in my written testimony there were also -- while none of our members spoke specifically to the energy piece -- energy drink and they spoke just to the tobacco regulations, we are asking that you remove that from -- and we can tackle these battles one at a time.

What we see with the energy drinks is that it really is a matter of choice and if we're -- if you're going to ban that, then we start looking at other pieces that have caffeine. Crystal Light Energy, 7.5 milligrams per fluid ounce.

There's a jolt gum out there that the kids can chew. There's java lollipops that have 60 milligrams per pop. There's -- and so what we would really like to do is be an education piece. It's about making wise choices and educating kids. I know in Milford I was on the Board of Education and we moved -- removed sodas and energy drinks and turned off the vending machine. Well the kids starting going to Starbucks and buying the espresso -- double-espresso shot, a lot more caffeine than these energy drinks.

So they are going to get that boost if they want to if we remove it -- remove and make it illegal to sell energy drinks. And what are we doing for those unintended consequences of having to enforce that with law enforcement. Do they walk up to a football game and they see all the football players with Red Bull and fine everyone because they have that -- that piece? I -- I would much rather see that be

an education piece as opposed to legislative.

We also, with respect to the last piece on holding -- I mean having alcohol in a dwelling, Representative Reed asked earlier whether or not, because of cultural pieces, a family serving wine to their daughter or their son at home. Right now the law says you can do that. The law -- the law stated in Connecticut says that you could actually be in an establishment with your child and order a drink and the drink can set down in front of you and you can give it to your child, so right now the law says that you can serve your own child in your house or not.

What we would like to do is see the language strengthened -- the hosting law that you passed I want to say last year which basically says that people who host parties do -- the parents who host have the most to lose. And we would like to see that strengthened. We actually, while the language -- we'll support the language the way it's written, we think that if there's a party going on in a house, even if the parent doesn't know, the parent should actually be held responsible for that party.

And I will share a story, not from here but Illinois. A very good friend of mine brother-in-law thought that it was okay if he took the keys, served a keg, keep the kids in the house, don't have to worry about it because he thought that the -- the ultimate crime would be getting in the car and driving under the influence. What actually happened is the kid got drunk, came around to the front of the house, passed out and got hit by a car and was killed and he was charged with manslaughter.

But he didn't think that far out from there so we really want the consequences of hosting parties or holding parties or allowing your children to have them while you're not there to stick. And so that's the position of the Milford Prevention Council.

And I really want to thank the -- our group for coming up here and speaking and sitting here all day to speak to you on this issue that is so important to us and we know it's so important to other prevention agencies in the state.

And Claire is -- Claire is one of our senior and most well spoken --

CLAIRE PHELAN: Oldest.

PAMELA STANESKI: -- oldest members.

CLAIRE PHELAN: Well not really.

HB5360

And my remarks -- good afternoon first of all -- my remarks will mostly just reinforce the other testimony that we're hearing regarding this bill.

The -- the intention of the bill, as we heard, is to regulate tobacco related products. Now this is very good and we're very pleased that this has come before you and our concern is that the language is limited and we are strongly recommending strengthening the bill.

As we heard minors can go into any store selling tobacco equipment to purchase items such as pipes, bongs -- I don't know what bongs are -- rolling papers, cigarette papers and bowls. So we are recommending the bill to include making it illegal to sell, give or deliver tobacco paraphernalia and also misrepa

-- misrepresentation of age to purchase these items by a minor.

Local retailers market these products to patrons as tobacco equipment. Therefore, we feel it should be treated as possessing tobacco. Many of our young people identify these products to drug use and not tobacco related use and they do not perceive the harm or the risk involved.

The colorful design and the marketing of the product appeals to our young people and the displays are often located next to gum and candy in the local stores. I'm inclined to be a worrier when I think about our young people and the many risks surrounding them today.

For me it's not unlike seeing our toddler running towards the street and into traffic unmindful of the danger. My maternal instinct, an adult instinct of course, is to snatch him back to safety. We need to provide a safe environment for our children so that they may reach adulthood safely.

Thank you.

SENATOR DOYLE: Thank you.

Any questions from the Committee?
Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair.

And I just want to thank both of you for your testimonies but also for the wonderful work you're doing regarding the Council. Most often when this Committee then talks about and discusses all the testimonies that appeared before us, we often ask well I wonder if so and so had an opportunity to contact let's say

the law enforcement or contact the business community or contact parents to discuss these issues to really get the broad spectrum of everyone's position and take in looking at the law enforcement aspect of it.

You've done a wonderful job here today in presenting that across the board, from the law enforcement to the parents to the students on the wonderful work that your Council is doing so I certainly want to recognize that.

I do have a question regarding -- I understand your testimony regarding wanting to make everyone responsible including the kids who unfortunately don't make good decisions and either provide fake IDs or -- or things of that nature in order to obtain the items that, under this legislation, would be deemed illegal.

With that understanding to discussing the fine, would you also be open to the idea of community service as another option? As much as I know that sometimes a fine is, you know, a financial burden but a lot of these kids now have jobs and I don't know if that really will, you know, touch them deeply in that regard opposed to their time is precious because they tend to like to be very social.

Is that something you'd be open to or would you leave it to the discretion of the courts?

PAMELA STANESKI: Well thank you very much for that question. I'll put on my other hat. I used to work for United Way and as a volunteer there we reach out to several nonprofits and one of the things the United Way did was work with the court system with community service. And we actually found that remediation through community service with young people and

putting them out there to work with nonprofits that serviced our -- our disadvantaged really opened their eye and so it was two-fold. They -- they got to put their service in. They worked off their fine and many of them come back to actually give more time to the community.

So from that perspective I would say yes. As far as -- we would be willing to allow the courts to make that discretion because, again, on a case-by-case basis there very well may be a youngster that you just -- you need to apply a -- a financial fine to as -- and then somebody else it may be a combination of both or the community service. But the community service aspect has worked well with our juvenile justice system in Milford and our probation system and, in fact, I think our two officers, one of them actually works on a -- keeping kids out of -- out of jail through that piece. So thank you very much for bringing that up.

REP. REBIMBAS: Thank you for answering that.

Thank you, Mr. Chair.

SENATOR DOYLE: Thank you.

Any more questions from the Committee?

Seeing none, thank you.

Next speaker is Richard Foley, then Marissa Heglin. Richard.

RICHARD FOLEY: Good afternoon, Mr. Chairman and Committee members. My name is Richard Foley. I'm here today to speak on Raised Bill 5328 which is An Act Establishing a Fine Art Secured Lending License.



State of Connecticut

HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JOHN H. FREY
 ONE HUNDRED ELEVENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
 ROOM 4200
 HARTFORD, CT 06106-1591

TOLL FREE (800) 842-1423
 CAPITOL (860) 240-8700
 EMAIL John.Frey@housegop.ct.gov

REPUBLICAN WHIP

RANKING MEMBER
 SELECT COMMITTEE ON AGING

MEMBER
 BANKS COMMITTEE
 FINANCE, REVENUE AND BONDING COMMITTEE

Joint Committee on General Law
Public Hearing
 03/06/2012

Testimony in support of HB 5360, AN ACT PROHIBITING THE SALE OF CERTAIN DANGEROUS SUBSTANCES, ITEMS AND PRODUCTS TO MINORS AND PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY

Chairmen Doyle and Taborsak, Ranking Members Witkos and Rebimbas and members of the General Law Committee.

I thank you for incorporating a concept in this bill suggested to me by Ridgefield First Selectman Rudy Marconi and Ridgefield Police Chief John Roche.

Unfortunately, Ridgefield has had a number of instances of late where minors were using alcoholic beverages in private residences when parents were present.

On November 29, 2009 a 19 year old man died in a car accident. It was later determined that he was drinking at a home with the homeowner present.

On August 14, 2011, a 16 year old young lady later was killed in an automobile accident. She had been drinking at a party with an adult present.



This is a photograph of the remains of the vehicle that the 16 year old was driving.

On December 31, 2011, A 58-year-old Ridgefield man was charged with delivering alcohol to minors after police broke up a party at his home. The homeowner admitted that he knew alcohol was being served to minors. Approximately 32 minors were at the residence; at least six were passed out.

The proposed bill simply makes responsible, an adult on the property where underage drinking takes place.

It became obvious with our recent experiences in Ridgefield that an adult could claim ignorance when a drinking event - in some cases large - was taking place at their premises.

I thank Ridgefield Police Chief Roche for bringing this matter to my attention and strongly encourage the General Law JF this bill. I have no doubt that this will raise parental awareness and hopefully save lives.

Thank you.



State of Connecticut
 HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

ER
 P3
 LG

REPRESENTATIVE KIM ROSE
 ONE HUNDRED AND EIGHTEENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
 ROOM 4002
 HARTFORD, CT 06106-1591

HOME: 203-283-7885
 CELL: 203-701-8098
 CAPITOL: 860-240-8354
 TOLL FREE: 800-842-8267
 fax: 860-240-8429
 E-MAIL: Kim.Rose@cga.ct.gov

MEMBER
 ENVIRONMENT COMMITTEE
 PLANNING AND DEVELOPMENT COMMITTEE
 SELECT COMMITTEE ON VETERANS' AFFAIRS

Thank You Senator Doyle, Representative Taborsak, members of the General Law Committee, I would like to thank you today for the opportunity to speak to you today in strong support of House Bill 5360, An Act Prohibiting the Sale of Certain Dangerous Substances, Items and Products to Minors and Prohibiting Certain Persons From Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property, and for raising this bill which will strongly benefit the health and welfare of our State's children.

Currently in the State of Connecticut, any person that is under the age of 18 can not purchase any tobacco products. We have set stiff penalties for selling and distributing tobacco to minors, we have provided funding for anti-tobacco public service announcements, and we promote in our schools a tobacco and drug free lifestyle. We here in the State Capitol, have done wonderful and amazing things to keep cigarettes and other tobacco related products out of the hands of minors. For all these controls one particular aspect of smoking has gone vastly unnoticed.

Minors can go into any convenience store, consignment shop, tobacco store, head shop etc. purchase items such as pipes, bongs, rolling papers, cigarette papers, and bowls. I found this shocking that while we control the sale of tobacco itself, we do not control the items used to smoke. If a minor is able to procure tobacco, then the very tools used to smoke are not restricted whatsoever. This, to me, is basically saying "You can't buy the gun but here are 100 bullets". The facts are clear, for all the controls we put in place, sometimes, minors are able to obtain tobacco, and when they do, the sky is the limit on what they can buy to smoke it with. This is unacceptable and we must not allow this to happen

An even scarier scenario is if a minor is able to procure drugs. While rolling papers, bowls etc. are designed for tobacco use, they are typically used for the smoking of marijuana, and recently more popularized synthetic cannabinoids such as salvia. While the legislature banned salvia sales in Connecticut, and marijuana is still a banned substance, both these intoxicants can still, potentially, wind up in minors hands. We need to make it more difficult to use these banned substances by prohibiting the sale and possession to minors the tools in which they could use to smoke. Just like with tobacco the sky is the limit on which way minors want to smoke, and these

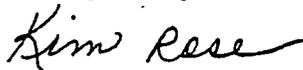
highly addictive substances can affect their grades, social life, and even their relationship with their parents. If we keep the tools out of their hands then minors would be denied the guns and the bullets.

The State levies fines against those proprietors that sell to minors and this sweeping piece of legislation would also levy fines against the sale of the paraphernalia. Let's take this a step further. Let's introduce something that would introduce a bit of personal responsibility. I propose that we add to this bill that not only fines the seller, but fines minors that are found to be in possession. This may also serve as an even greater deterrent. A \$500 dollar fine may cause a 16 year old in possession of one of the items that this legislation bans, to destroy the item or perhaps even think twice about attempting purchasing it to begin with.

Current statutes 53-34(b) and 53-344(c) contain the language and fines that are currently in use. The only change is that we are including tobacco paraphernalia. We need to add (b) No person shall sell any substance, item or product listed in the regulations adopted pursuant to subsection (a) of this section to a person under the age of eighteen years. The only addition to 53-344 (c)'s language would be to include possession in private settings. This statute currently only applies to public property.

We all work hard to prevent these illegal substances from reaching the hands of minors; now let us fight this war on two fronts. Let's work together to help provide and promote a drug and tobacco free existence not only to adults, but to the future. Children are our future; they represent the best of what Connecticut will have to offer our country. Let's make that future promising and healthy for everyone. Thank you for allowing me to provide this testimony on a subject that I care so deeply about, and at this time I can answer any questions that you might have.

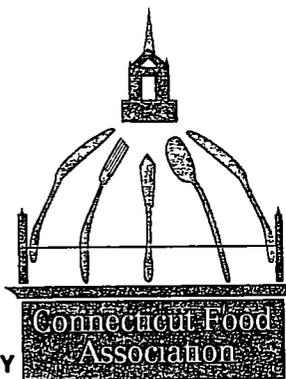
Thank you for your consideration,



Kim Rose
State Representative

Government Affairs
 State Public Policy
 Industry Information

Partnerships
 Trade Services
 Retailer Services



GENERAL LAW COMMITTEE TESTIMONY
By Stan Sorkin, President
Connecticut Food Association
March 6, 2012

TESTIMONY IN OPPOSITION TO RB No. 5360: AN ACT PROHIBITING THE SALE OF CERATIN DANGEROUS SUBSTANCES, ITEMS AND PRODUCTS TO MINORS AND PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY

The Connecticut Food Association is the state trade association that conducts programs in public affairs, food safety, research, education and industry relations on behalf of its 240 member companies—food retailers, wholesalers, distributors, and service providers in the state of Connecticut. CFA's retail membership is composed of independent supermarkets, regional firms, and large multi-store chains employing over 30,000 associates. The majority of our members are privately held family owned supermarkets. Our goal is to create a growth oriented economic climate that makes Connecticut more competitive with surrounding states.

I am Stan Sorkin, President of the Connecticut Food Association. The Connecticut Food Association is opposed to RB No. 5360 for the following reasons:

- **The terms "dangerous or potentially dangerous" to the health and well-being of persons under the age of eighteen years are vague and subject to interpretation not based on scientific fact.**
- **Unlike other age restricted products such as the broad categories of alcohol or tobacco, these regulations would establish a specific list of such substances, items and products making it difficult to implement and control.** The state would have to provide a list of products and their corresponding UPCs to retailers via the DCP website. Annually, it is the retailer's responsibility to obtain the information from their website and not the responsibility of DCP to notify the retailer of the regulations and the products which would be covered by the statute.
- **Retailers would have to "flag" specific items in their front end systems prompting cashiers to ask for identification. This system is costly to implement and maintain.** In addition, the cost of training front-end personnel adds to a retailer's expense.
- **New product introductions occur 52 weeks of the year. New brands get introduced to the market throughout the year. Annual updates will not prevent these new products that the law intends to prohibit from being sold to minors.**
- **It is the responsibility of the retailer not to sell these products and the minor is again not subject to any responsibility for initiating the purchase.** Again, only retailer is subject to the penalties outlined in the bill.

- The cost of enforcement would put a burden on the state's resources to enforce the law taking resources away from alcohol and tobacco enforcement.

This bill would add to the cost of operating a supermarket in the state of Connecticut. It is another bill that adds to the perception that Connecticut is anti-business. It adds another regulation that does not create a growth oriented economic climate. It simply makes Connecticut less competitive with surrounding states.

We are asking that you vote NO on RB No. 5360.

Testimony in opposition to HB5306

Senator Doyle, Representative Taborsak and members of the General Law Committee, I am writing today to oppose the proposed Bill 5360 which seeks to require licensing of certain landscaping companies. I am a long time board member of the Connecticut Grounds Keepers Association with approximately 200 members and also the owner of a landscape contracting company, Ivy League Landscaping, LLC based in West Haven, CT.

The Connecticut Grounds Keepers Association and other organizations like us promote professionalism, education, responsibility and ethical conduct for our members. While we do this on an ongoing, voluntary basis, the groundwork is set and the information is available to those who seek it. There is no shortage of individuals or companies in Connecticut who exemplify the qualities I have mentioned. Additional legislation will provide no effective barrier to entry for people who choose to operate outside the vast array of existing laws. Rather than add more complication and obstacles to doing business in Connecticut, you should consider other options which would help to level the playing field within the current regulations. As evidence of the effort the Connecticut Grounds Keepers Association makes towards goals like yours, we host annual conferences with outreach and education provided by University of Connecticut professors and CT Agricultural Experiment Station staff. Again, the information, guidance, outreach and networking is available without the need for an additional state license.

The landscaping industry in Connecticut is already laden with existing regulations. Citizens who wish to operate legitimate and professional landscape contracting companies with three or more employees in Connecticut are required at a minimum to register with:

- The Secretary of State – for business formation.
- The Internal Revenue Service – for income taxes, Social Security Administration purposes in addition to the Federal Unemployment Tax Act.
- Department of Revenue Services – for taxes including sales tax and the business entity tax.
- Department of Consumer Protection – for a Home improvement Contractor Registration, or a New Home Construction Contractor Registration for installation work.
- Department of Labor – to be able to contribute to CT Unemployment Compensation Fund.
- Department of Motor Vehicles – for motor vehicle registration.
- Department of Energy and Environment – if applicable for pesticide applications.
- Local Municipalities – for a variety of reasons, primarily local property tax and permit issuance depending upon the building code requirements of certain projects.

In addition, a basic requirement of business is the maintenance of insurance including liability, motor vehicle and workers compensation coverage. Some of the existing regulations require this already.

I can provide more evidence of my organization's dedication to goals of professionalism, ethics, and safety. In the past, we provided voluntary certification through a national program called the CLT (Certified Landscape Technician) program with a trade group called PLANET. In addition to holding the CLT Certification, I have provided instruction and administered the test with the help of our University of Connecticut Plant Science educators (Steve Rackliffe and Steve Olsen). This program still exists nationally, but because of local funding shortages does not currently test in Connecticut. Other groups offer scaled down versions of landscaper certification already.

As legitimate, registered companies, we often face the consequences of well-intentioned regulations gone awry. A simple example of this comes with an issue that I have spent many years working on. That is, our State of CT DEEP Pesticide regulations. Once registered, a company is permanently on the radar so to speak. Our regulators spend their time auditing and researching those companies who have complied with the law rather than investigating those who avoid responsible behavior. I worked diligently to change this behavior a few years ago, only to watch our mandatory fine for unlicensed applicators provision lose its teeth as the State of CT decided that the fines imposed would be absorbed into the general fund rather than stay in the DEP (Environmental Quality Fund) as originally legislated. The inspectors went from focusing on unlicensed applicators back to the regular visits to the compliant crowd. There is no doubt that the same violators know that the DEEP as well as the Department of Consumer Protection can really only track you if register in the first place. If they are not registered under the multitude of existing rules, what makes you believe they will comply with one new requirement? Enforcement of existing regulations seems more pertinent than additional mandates to already burdened state departments.

I encourage you to consider my opinion and would be eager to discuss other options which may help accomplish similar goals should you decide to continue in this direction. More regulations and an additional license are not the pathway to the goals you have listed in the proposed legislation. I appreciate your time and look forward to any questions you may have.

Cordially,

Philip W. Grande

Connecticut Grounds Keepers Association – Treasurer
Ivy League Landscaping, LLC – Owner
Soundview Landscape Supply, LLC - Owner

P 9 P 9
L 11

March 6, 2012

MICHELE DEVINE, EXECUTIVE DIRECTOR FOR THE SOUTHEASTERN REGIONAL
ACTION COUNCIL

TESTIMONY IN SUPPORT OF HB 5360

Senator Doyle, Representative Taborsak, and distinguished Members of the General Law Committee, thank you for the opportunity to speak to you today in **support of HB 5360**. My name is Michele Devine and I am the Executive Director for the Southeastern Regional Action Council.

One of the primary functions of the Southeastern Regional Action Council is to educate communities on the newest trends of substance abuse among youth in CT. During the past four years we have spent substantial time addressing the concerns highlighted in raised bill 5360. We are encouraged to see this committee taking the initiative to hold a hearing on this important piece of legislation that will help protect youth from substance abuse and other addicting behavior.

Last year Connecticut took a huge leap in its prevention efforts by passing legislation that will make it illegal to use various synthetic drugs (cannabinoids, bath salts). However, we still have some work to do. SERAC continues to hear the pleas from parents, prevention, treatment professionals, and school administration that these drugs are highly available, addictive, and ruining lives.

Section 1 of HB 5360 will provide the Commissioner of the Dept. of Consumer Protection with the authority to develop regulations that will prohibit the sale of various substances including controlled substances, energy drinks, products containing excessive melatonin and tobacco related products.

In my community, the increased availability of drug paraphernalia in local gas stations and convenience stores has been noticeable over the last few years. Although drug paraphernalia is illegal according to federal law (Controlled Substances Act Section 863), items commonly sold for use with marijuana have been marketed as "tobacco products." Most importantly is the social norm that the availability of drug paraphernalia conveys to our youth. The message that drug use is commonplace and acceptable is clear, strong, and widespread in our communities. CT has benefited from the great success with tobacco prevention through policies to restrict use, regulate marketing and displays, however, these items have fallen through the loophole.

In addition to the tobacco products and synthetic substances sold at convenience stores and marketed to children, energy drinks have become increasingly popular. Energy drinks are a \$10 billion dollar industry that targets our youth and shift workers. The Food and Drug Administration does not monitor these drinks. They are filled with natural supplements that

620 Norwich New London Tpke Uncasville, CT 06382 T 860-848-2800 F 860-848-2801

may, in small doses, be acceptable but not the way they are being marketing to our young children. Did you know that one can of Monster has the amount of caffeine as 5 cans of coke? Young children are not prepared to deal with caffeine in this amount. They do not have the knowledge to understand that the headache, upset stomach and lethargic feelings are from the drink they just had during their lunch at school. More serious conditions have been reported, especially in children and young adults, are seizures, diabetes, cardiac abnormalities, mood and behavioral disorders or serious complications with certain medications. Of the 5448 US caffeine overdoses reported in 2008, 46% occurred in those younger than 19 years. Our agency recently surveyed 4900 kids in Southeastern Connecticut. We found that 38% of youth grades 7-12 drink energy drinks on a regular basis.

This brings us to another product, melatonin. This is another natural substance, if sold properly, that can benefit some people. However, the products sold in convenience stores are marketed to children to induce "relaxation and stress relief" and contain cartoon characters to induce youth. As one of the products says, "Drink a bottle to help you deal with that energy drink you had earlier, a loud neighbor or the general stresses of everyday life."

Despite the fact that many of these products contain the warning, "For Adults Only: Not intended for children under 18" they continue to be sold to high school students and younger. This bill would make great strides at preventing the sale to children.

In closing, our convenience stores are becoming the new drug store for kids to walk in and purchase stimulants, depressants and mood altering substances. This is not what I want for my children or the future children. These products need to have an age restriction on them of 18 years of age.

Thank you for your time and consideration of this bill.

E 3 / P14

P4
L17819

March 6, 2012

Dear Chairman Doyle, Taborsak and the Members of the General Law Committee:

In Waterbury, in the early morning hours of February 13, 2011, Christopher W. Colgan, age 19, collapsed suddenly and died. Autopsy results showed no abnormalities to his heart, brain or vital organs. Toxicology reports came back negative. The official cause of death was ruled "undetermined" by the State of Connecticut Medical Examiner's Office. However, according to the police investigation and witness accounts, Christopher drank between 3 and 4 *Monster* energy drinks throughout the day of February 12, 2011. Chris consumed the larger sized beverage which actually represents 2 servings per can making Chris' total consumption somewhere between six and eight servings.

Christopher was our only son and we are completely devastated by his loss. We are left with so many unanswered questions as to how and why this happened to us. But, along with this comes our absolute conviction that energy drinks caused his death.

Energy drinks contain excessive levels of caffeine and some also contain the herbal stimulants **Taurine** and **Guarana** for which little is known about the amounts, effects or origins since they are unregulated by the FDA.

There is a mountain of growing evidence, for anyone to easily access via blogs and online searches, which documents individual testimonials and medical findings of the harmfulness of energy drinks. Yet, it is a billion dollar industry specifically marketed to teenagers, our teenage boys in particular; with little or no restrictions. Something needs to be done to protect our children from these dangers.

We are here to voice our support for House Bill 5360 Section 1 which would adopt new regulations to prohibit the sale of certain dangerous or potentially dangerous substances to persons under the age of eighteen years – including energy drinks containing excessively high levels of caffeine, caffeine derivatives, guarana or taurine.

As a family that has been personally impacted by the danger of energy drinks, we would ultimately seek a complete ban to any person under the age of 21 years; or FDA regulation of the entire industry. However, this bill represents an important first step in that direction. Please support this bill to prevent more families from suffering the loss and sadness that we now live with every day. Thank you.

Marion and Bill Colgan
154 East Mountain Road
Waterbury, CT 06706
203-756-1573

PC

Thank You Senator Doyle, Representative Taborsak, members of the General Law Committee; my name is Michelle Hamilton, Senior Program Coordinator at Ledge Light Health District and Coordinator of the Groton Adolescent Substance Abuse Prevention Coalition (also known as the GASP Coalition).

P7
L84

I am here today to speak in favor of House Bill 5360, An Act Prohibiting the Sale of Certain Dangerous Substances, Items and Products to Minors and Prohibiting Certain Persons From Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property, which will protect the health and welfare of our State's children.

While House Bill 5360 addresses several issues, I'd like to speak specifically on behalf of the section concerning drug paraphernalia.

Our Coalition closely monitors substance abuse trends and attitudes towards substance use in Groton youth through bi-annual, professionally evaluated youth surveys. While we are proud of the work we have done to reduce and prevent underage drinking, we are concerned with the increase in reported marijuana use among youth and a low perception of harm associated with its use. The trends in Groton are not unique: a recent survey by the National Institute on Drug Abuse documents that daily marijuana use among young adults is at its highest levels since 1991. Another national survey released shows that 17 million Americans — mostly teens or young adults — used pot in 2010. About 40% of those used it on 20 or more days in the past month, up from 36.7% in 2009.

It is already illegal to sell drug paraphernalia; the difficulty we face is the availability of items that are marketed for tobacco use but are commonly used for drug use. Ask any police officer who has confiscated a pipe, bong or hookah and they will tell you, it wasn't being used for tobacco. But stores avert federal laws by posting "For tobacco use only" or "Not for use with illicit drugs" signs near paraphernalia. We are dealing with a well known legal "loophole" when it comes to these items.

This loophole means that items commonly used for drug use are visible and accessible in our communities. Staff and student interns at Ledge Light Health District first noticed drug paraphernalia being sold at gas stations and convenient stores when conducting a scan of tobacco marketing in Groton in 2007. Again in 2010, the GASP Street Team, a group of high school freshmen, conducted environmental scans and found convenience stores and gas stations selling drug-related paraphernalia. This included pipes, water pipes, hookahs, grinders and scales. Often these items are found in glass displays near the front door next to soda, candy and ice cream- popular items for our youth to purchase. The open presence of these items normalizes them and conveys to our children that their use is acceptable to us.

Connecticut is not alone in its fight to reduce access to paraphernalia. In 2004, Pierce County Council of Tacoma, Washington adopted a drug paraphernalia ordinance (ordinance number 2005-103) which makes it illegal to deliver, manufacture, advertise, and sell these items in the County. This is one of many communities across the country imposing regulations on paraphernalia in order to close the existing loophole.

I support the House Bill 5360 which aims to regulate the sale of tobacco-related products and would ask that you add language to this bill to state that these items may only be sold at adult-only locations, such as smoke shops which require patrons to show ID upon entrance.

Thank you for your time.

Robert E. Fitch High School

101 Groton Long Point Road
GROTON, CONNECTICUT 06340

P 45

JOSEPH A. ARCAESE
PRINCIPAL



PETER BASS
VICE PRINCIPAL

MICHAEL EMERY
VICE PRINCIPAL

SEAN P. McKENNA
VICE PRINCIPAL

November 8, 2011

To Whom it May Concern

PS
LS
HB 5360

We are writing to you because we, student leaders, believe very strongly in the institution of an ordinance prohibiting the sale of drug paraphernalia in our gas stations and convenience stores.

We've seen glass pipes, water pipes (bongs), hookas, scales for use in selling marijuana and cleaning solutions and detoxification drinks that reference drug use. Some stores keep these items right near the front door in a glass case for everyone to see. Even our younger siblings see these items. Should an 8 year old going into a convenience store to buy a candy bar have to be exposed to drug paraphernalia? What message does that send to our youth?

We disagree with the premise that drug paraphernalia is being sold under the false claim and legal loophole that it is meant for tobacco use only. We know that is simply not true. Who smokes tobacco out of a water pipe? Why do you need a scale for tobacco? Why is there "Detox Buster" being sold other cleaning solutions with "420" on them?

We feel that when these items are marketed in plain sight and readily available it sends the message that drug use is acceptable and the "norm" in our community.

As student leaders who are involved with Students Against Destructive Decisions (SADD) and GASP Street Team, we feel that the removal of these smoking accessories, used for smoking marijuana will create a healthier and safer environment for youth.

We are in full support of any ordinance, local or regional, that helps remove drug paraphernalia from convenience stores and gas stations.

Sincerely,

Fitch High School SADD Chapter

Achieve More, Care More



P 21

**Testimony of Sandra Grance
American Beverage Association**

PJM
L1

Testimony In Opposition to H.B. 5360

March 6, 2012

Mr. Chairmen and members of the Committee, thank you for letting me speak before you today. My name is Sandra Grance and I'm with the American Beverage Association (ABA). We represent the broad spectrum of companies that manufacture and distribute non-alcoholic beverages including regular and diet soft drinks, teas, juices, water, sports drinks and energy drinks. I'm here today on behalf of our local distributors. This includes Coca-Cola Refreshments, Coca-Cola Northern New England, Pepsi and Red Bull. These companies employ more than 1,700 people in Connecticut. I'm testifying in opposition to H.B. 5360 proposal to ban the sale of energy drinks to minors.

This legislation, while well intentioned, does not have any scientific basis and lacks substance. Energy drinks, and ALL of their ingredients, are regulated by the U.S. Food and Drug Administration. They also meet all government labeling requirements. When compared on a per ounce basis, most energy drinks contain less than or equal to the amount of caffeine in an average cup of coffeehouse coffee. Specifically, energy drinks typically contain between 60 and 100 mg of caffeine in an 8-ounce serving, while an 8-ounce cup of drip coffee contains between 104-192 mg.

Caffeine is a naturally occurring ingredient that can be found in more than 60 species of plants or their seeds or fruits, and most commonly in coffee beans, tea leaves, cocoa beans, kola nuts and guarana. It is an ingredient in a number of beverages – including energy drinks – and has been a part of our diet for more than a century.

Caffeine has been studied and restudied by researchers in the U.S. and around the world. It has been examined for its affects on both the adult and adolescent human body. The vast majority of these studies have concluded that, in moderate amounts, caffeine can be part of a balanced and healthy lifestyle.

The U.S. Food and Drug Administration (FDA) considers caffeine safe for all consumers, including children. In 1959, it designated caffeine in cola drinks as "Generally Recognized As Safe." In 1987, following extensive review, the FDA "found no evidence to show that the use of caffeine in carbonated beverages would render these products injurious to health."

Here are the typical caffeine levels in popular products:

- | | |
|-------------------------|------------|
| • Coffee, 8 oz. drip | 104-192 mg |
| • Tea, 8 oz. brewed | 20-90 mg |
| • Iced Tea, 8 oz. | 9-50 mg |
| • Soft drinks, 8 oz. | 20-40 mg |
| • Dark Chocolate, 1 oz. | 5-35 mg |
| • Cocoa Beverage, 8 oz. | 3-32 mg |
| • Milk Chocolate, 1 oz. | 1-15 mg |

You should also know that members of the American Beverage Association do not sell energy drinks to students in schools.

Companies market their energy drink products responsibly and meet all government labeling regulations. In addition, some of our member companies voluntarily list the amount of caffeine directly on a product's label. Consumers can also easily find out how much caffeine is in a beverage by calling a company's 1-800 number or visiting its website.

Further, our member companies have followed the principles set forth by the Children's Advertising Review Unit (CARU) since its inception in the early 1970s. CARU is part of the advertising industry's self-regulation program and its purpose is to review and evaluate child-directed advertising and promotional material in all media. (Several former Federal Trade Commission Chairmen have noted this to be one of the best examples of self-regulation in American history.) CARU has developed an extensive set of guidelines, among them that advertisers take into account the limited knowledge, experience, sophistication and maturity of the audience to which any message is directed.

Every year, CARU scrutinizes thousands of television commercials and reviews advertisements in print, radio and online media to ensure that the messages are not misleading, inaccurate or inconsistent with the guidelines for children's advertising. A number of food and beverage companies, including Coca Cola, PepsiCo and Dr Pepper Snapple Group, recently endorsed an expansion of CARU's oversight authority that establishes criteria for the presentation of healthy lifestyle choices, snacks and nutritionally balanced meals in all advertising.

To move beyond these existing policies, we developed the ABA Guidance for the Responsible Labeling and Marketing of Energy Drinks. Under this policy ABA members have come together to voluntarily label their products with the caffeine amount, place a voluntary advisory statement, and to not promote the mixing of these beverages with alcohol or make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.

This voluntary guidance document, which is enclosed, enables consumers to enjoy energy drinks moderately and responsibly.

ABA and its members encourage all those who produce and market energy drinks to implement this voluntary Guidance and to incorporate it into their business practices as appropriate. The Coca-Cola Company, Dr Pepper Snapple Group, PepsiCo and Red Bull have all adopted this policy.

With due respect to the sponsors and those who testified in favor this legislation, we are unsure of the nature and extent of the problem that this bill purports to solve. The Legislature should be aware of the slippery slope such a ban would create. To be consistent, you would need to ban coffee, tea or even some chocolate from minors, because they too contain caffeine. Furthermore, contrary to how this bill lumps things together, non-alcoholic energy drinks are nothing like tobacco or controlled substances."

Making products off-limits can have the unintended effect of making them more desirable to minors. Our goal should be teaching young people about balance and moderation.

Thank you for the opportunity to testify. I'd be happy to answer any questions that you may have.



ABA Guidance for the Responsible Labeling and Marketing of Energy Drinks

BACKGROUND AND OBJECTIVE

The American Beverage Association (ABA) is the trade association representing the broad spectrum of companies that manufacture and distribute non-alcoholic beverages in the United States.

This Guidance relates to the labeling and marketing of energy drinks. Energy drinks are non-alcoholic beverages that are specifically marketed with an energizing effect and a unique combination of characterizing ingredients which may include caffeine, taurine, vitamins and other substances. Their ingredients and labeling comply with all US FDA safety requirements.

In the US, energy drinks have been marketed for 15 years, and consumed and enjoyed by consumers worldwide for more than 20 years. They represent about 1% of the total US non-alcoholic beverages market. ¹

ABA and its members recognize public discussions about the marketing of energy drinks and their appropriate consumption and recognize their responsibility to play a positive role in addressing these discussions. Therefore, ABA and its members have developed this voluntary Guidance for the Responsible Labeling and Marketing of Energy Drinks which complements ABA's School Beverage Guidelines, " and will enable consumers to enjoy energy drinks moderately and responsibly.

ABA and its members encourage all those who produce and market energy drinks to implement this voluntary Guidance and to incorporate it into their business practices as appropriate.

GUIDELINES FOR THE LABELING OF ENERGY DRINKS

In addition to compliance with applicable labeling laws and regulations, ABA members should follow these guidelines related to the labeling of energy drinks:

1. Labels of energy drinks should follow ABA's established voluntary format for the labeling of caffeine and identify the quantity of caffeine from all sources contained in the beverage, for example, "caffeine content: xx mg / 8 fl. oz.". This quantitative caffeine information should be separate and apart from the ingredient statement and the Nutrition Facts Panel.
2. Labels of energy drinks should not promote the mixing with alcohol or make any claims that the consumption of alcohol together with energy drinks counteracts the effects of alcohol.

3. Labels of energy drinks should include the advisory statement "Not (intended / recommended) for children, pregnant or nursing women (and/or persons/those) sensitive to caffeine".
4. The labeling of energy drinks should also follow the guidelines for the sales and marketing of energy drinks as outlined below.

GUIDELINES FOR THE SALE AND MARKETING OF ENERGY DRINKS

5. Energy drink producers should not promote energy drinks for mixing with alcohol nor should they market energy drinks to counter the effects of alcohol consumption.
6. Energy drinks are functional beverages which differ from sports drinks and therefore should not be marketed as sport drinks.
7. Energy drinks should not be sold nor marketed in schools (K-12), as set forth in ABA's School Beverage Guidelines and in its statement regarding the Sale of Energy Drinks in Schools.
8. Energy drinks should not be marketed to children, as set forth in ABA's commitment to the Global Policy on Marketing to Children.

¹ Canadian statistics

ⁱⁱ <http://www.amerbev.org/nutrition--science/school-beverage-guidelines/the-guidelines/>

**MONSTER**
ENERGY COMPANY550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880
PHONE: 951/739-6200
FAX: 951/739-6210p14
LS

TO: General Assembly, Committee on General Law, State of Connecticut
FROM: Dr. Thomas P. Davis, Chief Scientific Officer and Professor of Medical Pharmacology

March 6, 2012

RE: Raised Bill No. 5360- Section "2"; "energy drinks containing excessively high levels of caffeine, caffeine derivatives, guarana or taurine"

Thank you for this opportunity to allow me to discuss the careful and responsible formulation and manufacturing of Monster Energy Drinks. I wish to cover only the following points in the limited time available to me:

1. I am a Professor of Medical Pharmacology, Physiology and Neuroscience at the University of Arizona College of Medicine, for the past 31 years. I am also the last family member of the founding, family owned, beverage company, Hansens Natural. As one of the founders of Hansens Natural, (now known as Monster Energy Company), I remain the formulation chemist for Monster Energy Company today.
2. Monster Energy was formulated by me as one of over 100 different beverages in my family business, Hansens Natural Beverages, founded in 1979. I consider it my ethical, moral and family responsibility to always formulate each and every beverage with levels of vitamins, nutraceuticals, amino acids, and chemical components that are not toxic and wish are pure and safe.
3. I have studied your bill and can testify that Monster Energy does not contain "excessively high levels of caffeine, caffeine derivatives, guarana or taurine". I have studied and continue to study every single day any and all human and animal data on the dose response and efficacy of guarana, caffeine, caffeine derivatives, and taurine, alone and in synergism. Monster Energy does not contain a level of any chemical that even approaches any known toxic effect. Careful formulation of every chemical component is paramount in the Hansen Beverage Company and continues in the Monster Energy Company.

I am also available at any time to discuss this issue or any related issue at your convenience. My cell number is 1-520-548-9248. My email address is Tom.Davis@Monsterenergy.com

Sincerely,

MONSTER ENERGY COMPANY

Thomas P. Davis, Ph D., Chief Scientific Officer

p 27

STATEMENT BY JOSEPH S LUPPINO
DIRECTOR OF PUBLIC AFFAIRS, RED BULL NORTH AMERICA
IN OPPOSITION TO HB 5360

p/4
L23

CONNECTICUT GENERAL ASSEMBLY – GENERAL LAWS COMMITTEE

TUESDAY, MARCH 6, 2012

My name is Joseph S Luppino; I am the Director of Public Affairs for Red Bull North America. Red Bull appreciates the opportunity to participate in this public hearing and speak to you about House Bill 5360. We wish to speak specifically to the provision which would prohibit the sale of energy drinks containing caffeine, caffeine derivatives, guarana or taurine to persons under the age of 18 years.

Red Bull was founded in 1984 and started selling Red Bull Energy Drink in 1987; with its launch it created a totally new product category --- the modern energy drink. Since 1987, around 30 billion cans of Red Bull have been consumed in more than 160 countries around the world. Last year alone, in the United States more than 1 billion cans of Red Bull were sold. Today, Red Bull remains the world's #1 energy drink.

Red Bull shares the commitment of the Connecticut General Assembly to ensure that consumers have access to safe and quality foods and beverages. However, we believe the provisions within House Bill 5360 relating to energy drinks are unwarranted given the scientific evidence-base and the current regulatory scheme for energy drinks in the United States.

Red Bull (and the vast majority of mainstream energy drinks) contains 80 mg of caffeine per 250 ml can, less than the amount in one cup of coffee. It is less than one-half the amount of caffeine in a standard coffee purchased from the most popular coffee chain in the United States. In addition, in line with industry standards agreed to by members of the American Beverage Association, Red Bull labels clearly and voluntarily indicate the quantify of caffeine the product contains.

Caffeine is found in a variety of consumable products ranging from beverages to chocolates to over-the-counter medicines. In the United States consumers get a minimal amount of caffeine from energy drinks compared to other sources. According to an intake estimate from the US Food and Drug Administration from 2009, US consumers (including teens and young adults) get about 70% of their caffeine from sources such as coffee, tea and cocoa beverages. They get the remaining 30% from other beverages – including soft drinks and energy drinks --- chocolate products and other caffeine-containing products.

Many scientific and regulatory bodies around the world such as Health Canada and the European Food Safety Authority have concluded that the general population of healthy adults may safely consume up to 300-400 mg of caffeine per day. This intake level has been supported by the US FDA and the American Medical Association which recommend consumption in the same range.

The safety of Red Bull is based upon sound science and has been validated by health authorities around the world and scientific expert panel in the European Union, Australia and New Zealand. Most recently, in 2009, the European equivalent of the US FDA (EFSA) reviewed more than 70 of the most recent scientific articles, papers and safety studies on the ingredients used in Red Bull. The review concluded that the key ingredients of caffeine, taurine and glucuronolactone were safe. They also concluded that there is no harmful interaction from the combination of these ingredients in energy drinks. This EFSA opinion, which is comparable to the GRAS assessment process of the FDA, concluded this after a ten-year review of the safety assessment of energy drinks and their ingredients.

As stated earlier, Red Bull has been sold across the United States since 1997. Not a single legal jurisdiction anywhere in America has seen fit to restrict the sale of Red Bull, or any energy drink, to any legal class of citizens. It would be unprecedented and unfounded for the state of Connecticut to impose such restrictions and we strongly urge the General Laws Committee to reject this provision of House Bill 5360.

Thank you for your attention and the opportunity to speak with you today.

p 29

IN FAVOR OF:**HOUSE BILL 5360**

P17

L 1

**TESTIMONY OF JEFFREY NIELSEN
CRIME PREVENTION/PRESS INFORMATION OFFICER****MILFORD POLICE DEPARTMENT
430 BOSTON POST ROAD
MILFORD, CT 06460
(203) 783-4739
crime1@ci.milford.ct.us****MEMBER OF THE MILFORD PREVENTION COUNCIL****MARCH 6, 2012**

Ladies and Gentlemen of the Committee, my name is Jeffrey Nielsen, and I currently serve as a Crime Prevention Officer with the Milford Police Department. During the past 18 years of service, I have been involved in many situations where youths have been in possession of alcohol, tobacco, drugs and related paraphernalia. I am also a member of the Milford Prevention Council serving on various committees. But more importantly, I am a parent of two children and share the same concern as other parents, which is keeping our children safe.

I am here today to speak in favor of bill 5360 as it pertains to items and products that are dangerous to the health and well being of persons under the age of 18 years old. I wish to thank those who drafted this language and support creating laws that will protect children in the state of Connecticut. In our communities, law enforcement officers and educators work collaboratively through programs such as DARE, juvenile diversionary programs and others to educate youth on the negative effects of tobacco usage and encourage them to live healthy lives. Tobacco, commonly referred to as a "gateway drug", is very accessible in our society, being sold at several locations in towns and cities across our state. Tobacco usage among school aged children is highest among students ages 12-14 years old. Despite the warnings and medical problems associated with using tobacco products, people are using, selling and promoting these tobacco products on a daily basis.

In Connecticut, there are 4,681 licensed retailers that sell tobacco products. In many of these locations, tobacco paraphernalia including but not limited to rolling papers, smoking pipes, air driven and water pipes, smoking tubes and masks, and bongs are displayed for sale. In addition, many of these tobacco paraphernalia items are referred to as "drug paraphernalia" on the Drug Enforcement Administration's website.

The proposed language in this bill is intended to prohibit anyone from selling any substance, item or product listed in subsection (a) of this proposed bill. Respectfully, I

am requesting consideration to strengthen the language to mirror the current statutes that apply to tobacco and minors which are:

*53-344(b) Illegal sale, giving or delivery of tobacco involving minors, 53-344(c)Purchase or Misrepresentation of age to purchase tobacco by a minor and 53-344(c)** Possession of tobacco by a minor in a public place.*

These current statutes have clear and effective language which addresses areas concerning minors under the age of 18 in regards to sale, giving, delivery, purchasing, misrepresentation of age and possession of tobacco in a public place. By revising the language in Bill 5360 to reflect the current statutes, we will be able to restrict youth access to smoking materials. Also, I would suggest language that addresses possession of tobacco and tobacco paraphernalia in a private setting synonymous with current underage alcohol statutes.

In late 2011, I had the opportunity to speak with a Juvenile Probation Officer regarding concerns of his clients' parents. Their children had informed them that they were smoking incense products that were being sold legally in stores so they could get high. In addition, these youths believed that these substances in their body would not be detected in a urine test for the presence of drugs. Based on this information, I visited one of our local smoke shops. One employee informed me that youth would congregate outside the store and ask adults to buy them smoking products. Based on this information, we increased police presence in the area to deter these types of activities from occurring.

When we reflect on the reasons why children may use tobacco or other harmful substances, we realize they battle with such things as curiosity, peer pressure, insecurity, boredom and escape from their problems. It is our responsibility to educate, protect them and reduce any harmful opportunities that may entice our youth to make unhealthy decisions. Please consider Bill 5360 and any revisions in the language that will assist us in safeguarding our youth through awareness, education and enforcement.

Sincerely,



Officer Jeffrey Nielsen
Milford Police Department

P 30

IN FAVOR OF: HOUSE BILL 5360
TESTIMONY OF WILLIAM OSPINA
MILFORD POLICE OFFICER
430 BOSTON POST ROAD
MILFORD, CT 06460
(203) 878-6551

P17

L 3

BEFORE THE GENERAL LAW COMMITTEE OF
THE CONNECTICUT GENERAL ASSEMBLY
March 6, 2012

Ladies and Gentlemen of the Committee, my name is Officer William Ospina. I have been employed as a Police Officer with the City of Milford for the past 14 years. Also, a very important role in my life is being a father of four children.

I am here today to speak in favor of HB 5360 before this Committee, An Act Prohibiting the Sale of Certain Dangerous Substances, Items and Products to Minors.

I have worked with the Department of Mental Health and Addiction Services (DMHAS) in the Tobacco Prevention and Enforcement Program (TPEP) with Special Investigators for the past 5 years. In Milford we currently have 82 vendors who sell tobacco and tobacco related paraphernalia. During this time I have noticed an increase in vendors selling more tobacco-related paraphernalia, including, but not limited to, rolling paper, smoking pipes, air-driven and water pipes, smoking tubes and masks, and bongs.

Over these 5 years there has been a steady rise in violators who sell cigarettes and tobacco products to minors. The Internet and social media websites provide opportunities for our youth to communicate with each other to tell each other what locations are easiest to get tobacco products and tobacco related paraphernalia.

CGS 53-344(b) and 53-344(c) current language only address the sale and possession of tobacco to a minor. We need to add language to address tobacco related paraphernalia as well as possession in private settings in these statutes.

Thank you for the opportunity to speak with your committee about this matter today.

Sincerely,



Officer William Ospina
Milford Police Department

Senator Doyle, Representative Taborsak, and members of the General Law Committee, I would like to thank you today for the opportunity to speak to you in strong support of House Bill 5360. Specifically I am here to speak to the importance of the tobacco product regulation section of this bill.

817

L 18

My name is Tanya Schweitzer and I am the project coordinator of the Drug Free Communities grant for the Milford Prevention Council (MPC). The mission of the MPC is to reduce underage drinking and substance use. These goals are achieved through community education, the support of law enforcement and the strengthening of our community collaboration. The MPC is in support of the current bill because it aligns with our mission to create a healthier community for our youth. The community members who comprise the MPC are in support of limiting access to tobacco products including but not limited rolling papers, bongs, water pipes, smoking masks and others. The current bill proposes that persons younger than 18 years of age would not be able to purchase these products from retailers; however, the MPC would ask that the language of the bill also make it illegal to give or deliver these products to youth under the age of 18 which is the equivalent to current laws for tobacco. In addition, we would also ask that the language be strengthened to make it illegal for persons under 18 to purchase or misrepresent their age to purchase tobacco paraphernalia. Since these products are marketed by local retailers for use with tobacco, the laws for purchase of these products should mirror the current laws pertaining to purchase of tobacco.

Although these products are marketed as for use with tobacco by retailers, these products are not recognized by the federal government, drug enforcement agencies or youth as for use with tobacco. The federal government defines drug paraphernalia as "equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance." Bongs, water pipes and others have been identified as common types of drug paraphernalia even though these are products marketed by retailers as tobacco paraphernalia. Identifying drug paraphernalia can be challenging because products often are marketed as though they were designed for legitimate purposes.

Marijuana pipes and bongs, for example, frequently carry a misleading disclaimer indicating that they are intended to be used only with tobacco products. Recognizing drug paraphernalia often involves considering other factors such as the manner in which items are displayed for sale, descriptive materials or instructions accompanying the items, and the type of business selling the items. The appearance of drug paraphernalia varies depending upon the manufacturer and intended purpose. Increasingly, bongs, pipes, and other paraphernalia are manufactured in bright, trendy colors and bear designs such as skulls, devils, dragons, and wizards. Manufacturers attempt to normalize drug use and make their products attractive to teenagers and young adults. In Milford, as in many communities we are faced with a diminished youth perception of harm when it comes to marijuana use and as a result we have seen a steady climb in teen use of marijuana. By making these products available and visible to youth

it continues to send a message of acceptance, especially since most youth do not identify these products as for use with tobacco.

In Milford, several of our gas stations and convenience stores have large displays of bongs, water pipes, rolling papers, hookahs and other paraphernalia. Typically these displays are located next to the candy and gum right in the line of sight of most youth. There are 82 retailers in the city, all of whom have the right and capacity to carry these products. Although some have elected not to display these tobacco products, the increased availability of these products makes it more likely that youth will be able to gain access to these products. Much like cigarettes that are concealed behind store counters and most often have to be requested for by patrons, tobacco products should also be kept more discretely behind store counters and hidden from youth.

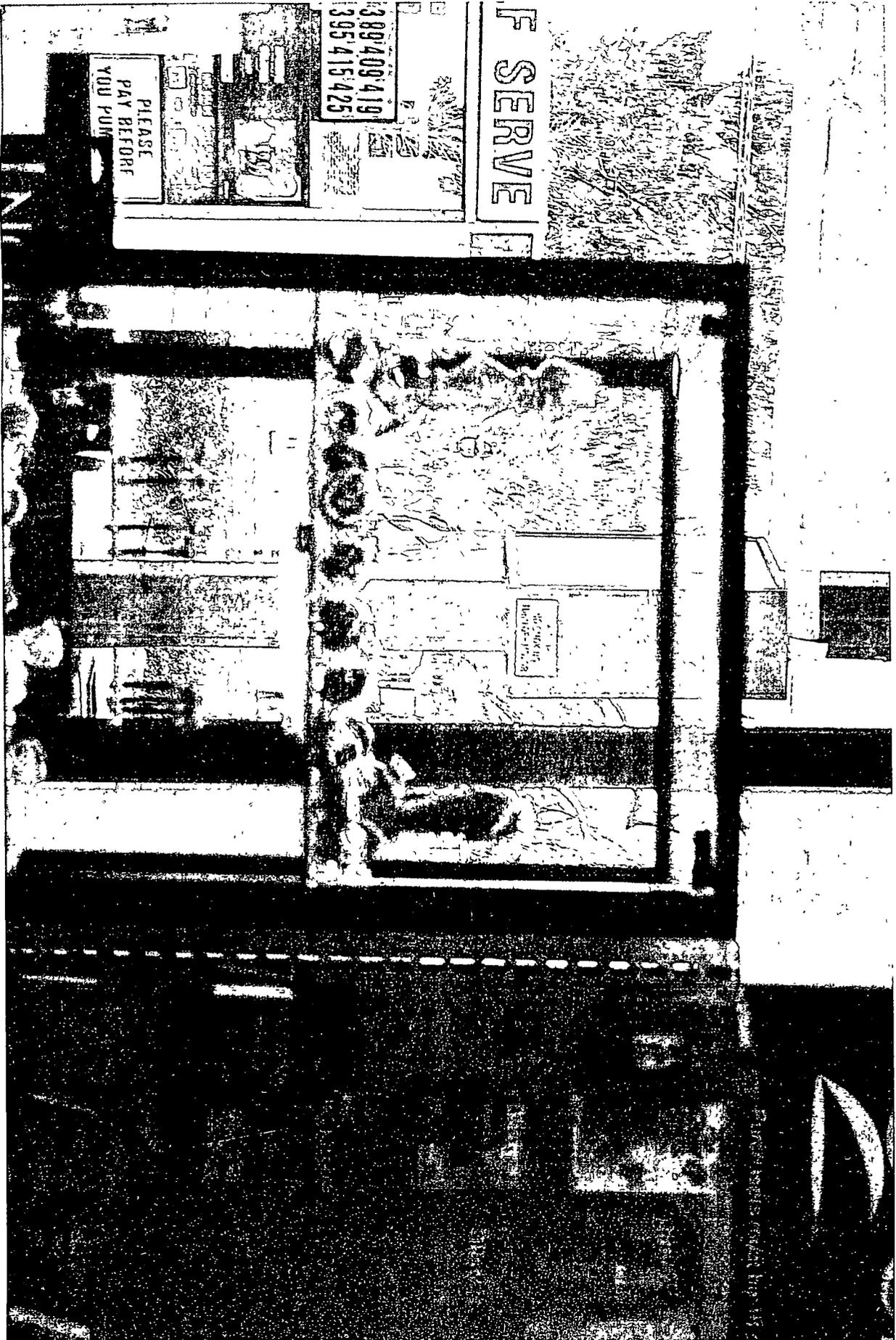
Thank you for your time and energy toward these efforts. We hope that you consider our requests to strengthen the language of the bill and we appreciate your efforts to build a safer Connecticut for our youth.

*Tanya Schweitzer, LCSW
DFC Project Director
Milford Prevention Council
70 West River Street
Milford, CT 06460
(203) 783-6676 (Office)
(203) 843-7716 (Cell)*

F SERVE

389 409 419
395 415 425

PLEASE
PAY BEFORE
YOU PUR

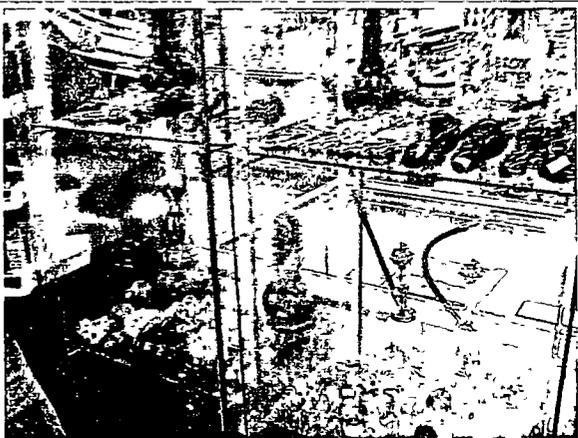


001089



What are drug paraphernalia?

Under federal law, the term drug paraphernalia means "any equipment, product or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance." This includes but is not limited to items such as bongs, roach clips, miniature spoons, scales, baggies and various types of pipes.



Pipes and pipe cleaning products at a Groton convenience store.

Identifying drug paraphernalia can be challenging because products often are marketed as though they were designed for legitimate purposes. Marijuana pipes and bongs, for example, frequently carry a misleading disclaimer indicating that they are intended to be used only with tobacco products. Do you know many people who smoke tobacco out of a pipe?

Recognizing drug paraphernalia often involves considering other factors such as the manner in which items are displayed for sale, descriptive materials or instructions accompanying the items, and the type of business selling the items.

Drug paraphernalia are often marketed specifically to youth with bright colors, pretty designs, and animal-shaped items, and are meant to look harmless. Community members and parents need to be aware that these kinds of products can also conceal drug use.

Are drug paraphernalia illegal?

Yes. The Federal Drug Paraphernalia Statute, U. S. Code Title 21 Section 863, says it "unlawful for any person to sell or offer for sale drug paraphernalia; to use the mail or any other facility of interstate commerce to transport drug paraphernalia; or to import or export drug paraphernalia." The law gives specific guidance on determining what constitutes drug paraphernalia. Many states have also enacted their own laws prohibiting drug paraphernalia.

On right: Glass pipes found next to the candy section in a Groton convenience store.



Buying drug paraphernalia should not be a convenience?

Support banning sales of drug paraphernalia in convenience stores.

The 2010 Groton Youth Survey revealed that the perception of harm in regards to *marijuana* is alarmingly low. While we are proud to say that teens recognize that tobacco use and drunk driving are harmful, one area we need to address is marijuana. As a community we need to set an example and say, "drug paraphernalia doesn't belong in our convenience stores." Selling marijuana adjacent to milk and candy normalizes its use. Marijuana is six times more potent than it used to be and is a health hazard.

A Drug Paraphernalia Ordinance sends a clear message that we, Groton citizens, value our neighborhoods, law enforcement, youth and our recovery community.

The GASP Coalition's mission is to build a healthy, safe and drug-free community by advocating for programs, policy changes and practices that increase protective factors and decrease risk factors

www.gaspcalition.org



March 6, 2012

Good day Chairman Doyle, Chairman Taborsak and members of the Committee,

My name is Pam Staneski, and I am a founding member of the Milford Prevention Council, its Past President, as well as a former Board of Education Member and Alderman. I am here, along with other Milford Prevention Council members and our Project Coordinator to lend support to the intent of HB5360. First, I applaud your committee and this legislature for the desire to make stronger our message regarding the use of tobacco and drug paraphernalia among our young people. Perhaps the words "drug paraphernalia" are too strong as it is currently not illegal for a minor to purchase rolling papers, blunts, pipes, or bongs even though it is well known that these items are used for drug related purposes. Our youth can purchase these things, clearly for illegal purposes, but cannot buy cigarettes. So, the question is really simple—why, if not able to purchase tobacco products, should they be allowed to buy their by-products?

The intent of HB5360 is a worthy attempt at strengthening and supporting the goal of keeping tobacco and tobacco related "accessories" out of the hands of minors. And, as the language in Section 1 (NEW) is written it partially does just that—however, I think that by including the language in Section 1 dealing with energy drinks and food products that contain melatonin the real message is getting muddled.

(2) energy drinks containing excessively high levels of caffeine, caffeine derivatives, guarana or taurine; (3) products marketed for human consumption containing melatonin in amounts not less than three milligrams per serving

I respectfully ask that this language (cited above) be removed from the bill. Resources are limited for both enforcement and education. While we may all agree that young people and highly caffeinated drinks may not make good bedfellows, if we travel that slippery slope of banning the sale of such drinks to minors based on the level of caffeine then we should also ban the sale of some ice creams, gums, iced coffee and some flavored lollipops to minors.

The Milford Prevention Council has been at the forefront of the effort to curb tobacco and drug use among our youth. We believe that this bill should send a strong message that rolling papers and blunt wraps intended to be used by consumers for the purposes of rolling their own tobacco should not be readily available to children under eighteen (18).

Lastly, regarding the language change concerning alcohol possession in a private dwelling, we fully support the change and see it as strengthening the existing Hosting Law.

Respectfully Submitted,
Pamela Staneski, Milford Prevention Council

P18

L 3

P 35

P18
L 4

*General Law Committee
Public hearing
Legislative Office Building
Hartford, Connecticut
March 6, 2012*

I am Claire Phelan, a member of the Prevention Council in Milford. I would like to address the House Bill 5360 co-sponsored by our Milford Representative Kim Rose.

The intention of this bill is to regulate tobacco-related products.

This is very good and we are pleased that it has come before you.

Our concern is that the language is limited in scope and we are strongly recommending strengthening the bill.

Minors can go into any store selling tobacco equipment to purchase items such as pipes, bong, rolling papers, cigarette papers and bowls.

We are recommending the bill to include making it illegal to sell, give or deliver tobacco paraphernalia and misrepresentation of age to purchase these items by a minor.

Local retailers market these products to patrons as tobacco equipment, therefore we feel it should be treated as possessing tobacco.

Our young people identify these products to drug use not tobacco-related products and do not perceive the harm or risk involved.

The colorful design and marketing of the product appeals to our youth, and the displays are often located next to the gum and candy in local stores.

Thank you for your attention

*Claire Phelan
7 Grove St.
Milford, Ct. 06460*

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 15
4669- 5003**

2012

9
lg/cd/gbr JUDICIARY COMMITTEE

March 29, 2012
10:00 A.M.

SENATOR COLEMAN: Okay. Thank you.

Thank you, Mr. Chairman.

REP. FOX: Thank you.

Are there any other questions?

All right. Thank you --

REP. REYNOLDS: Thank you

REP. FOX: -- Representative Mr. Reynolds.

Before I call the next speaker, I would like to point out we do an overflow room. There are a number of you who are standing. The overflow room is Room 2E, and there will be video and audio on a screen in Room 2E, so you'll have an opportunity to see everything. You'll also -- we'll still give you the opportunity to come down and speak, but if any of you would like to utilize that, please feel free.

Next is Chief State's Attorney Kevin Kane.

Is Attorney Kane here? Yes.

Good morning.

CHIEF STATE'S ATTORNEY KEVIN KANE: Senator Coleman, Representative Fox, Representative Hetherington, and the rest of the committee, good morning. Sorry. I just came in from CJPAC meeting in the other room.

We submitted written testimony on several bills today. The bill I'd like to -- to devote my remarks to, at least initially, is the Habeas Reform Bill, which is before you. I'd forgotten the number right now --

SB454
HB5360

HB5554

REP. O'NEILL: Yes. I was hoping you might address one of the bills that you submitted some written testimony about, but you didn't speak about and that is 5360. It's sort of unusual because it's a general law bill that already had a hearing there and we're giving it another hearing here, but I was wondering if you could explain the suggested changes that you're recommending to that bill.

CHIEF STATE'S ATTORNEY KEVIN KANE: Our concern about that bill -- and this is the bill dealing with the possession of alcoholic beverages in a -- in a dwelling or a building by -- by minors.

Our concern about that bill, as worded, would not apply to somebody who had a bunch of kids come into the house to have a keg party and then left. It would have required actual presence in the house the way it was worded, or if somebody who, say, rented it out to a fraternity for a big weekend party, knowing they were going to have liquor in the house, knowing they were going to be minors there and wasn't present, just left.

The suggested wording we have would -- would be with that, and I think make the -- the bill more appropriate and -- and functional.

Our concern is this, we certainly don't want to punish parents whose kids are unknowingly drinking in the basement with their friends, who would have no way of knowing that. That's -- that's going too far, but we don't we do want to -- those -- those people or adults who knowingly leave teenagers in their houses and go away for the weekend under circumstances where they know and the terms in the suggested amendment deal with this, should be accountable, should be accountable.

And it's trying to strike that balance between -
- between, you know, between -- it's trying to -
- to strike an appropriate balance between the
public's right to safety and to be free from the
dangers that occur when -- when minors engage in
-- in excessive alcohol consumption and may go
out and drive or do whatever else that we see
that happens sometimes after house parties that
get out of hand and impose some -- some criminal
liability on people who ignore responsibilities
which are very clear, without going to far and
having it be a crime for what people do in their
houses.

It's an important statute. It's Title 30 of the
General Statutes, which I think we -- you need
to consider in looking at this bill, and that is
one that permits a minor to consume alcohol in
the presence of his or her parents. A minor
having a glass of wine or whatever or a beer on
Thanksgiving Day at dinner is not a crime.
There's a statutory exemption that -- that deals
very carefully with that. And this bill,
however it's drafted, I was trying to read it
last night among other things, look at it. This
bill needs to take that into consideration
because we don't want to make that a crime under
this bill.

REP. O'NEILL: Thank you, Mr. Chairman.

REP. FOX: Senator Meyer.

SENATOR MEYER: Thank you, Mr. Chairman.

Kevin, I've been a -- a sponsor of the habeas
corpus reform in the past --

HB 5554

CHIEF STATE'S ATTORNEY KEVIN KANE: I know you have.

SENATOR MEYER: Thank you.

REP. FOX: Representative Smith.

REP. SMITH: Thank you, Mr. Chair. Good morning.

Good morning.

On the alcohol possession bill, I think it's 5360. I'm glad to hear your testimony this morning because when I was reading this bill last night, I came to the same scenario that you just described where you're having dinner with your family and your son or daughter is 18 years old and has a glass of wine or a beer at the dinner table and -- and next thing you know there's a, you know, I don't know how this would happen but, you know, technically they'd be in violation of the law. But what I understand what you're saying this morning is that under Title 30, there's an exemption, and if that's the case, I think it should be referred to herein this statute as well, you know, except as provided in Section -- whatever it might be.

I think the affirmative language seems to be in here so people are aware that in of itself is not a crime.

CHIEF STATE'S ATTORNEY KEVIN KANE: I'll try to find that specific statute. I wrote it -- Fran Carino actually called it to my attention this morning and sent me an email, and I printed it out among a bunch of emails I had to also look at. And that statute's there. I can give it to you, but it should -- this statute should refer to that. You're right.

REP. SMITH: And I understand the intent based on your testimony this morning of the statute. Basically, knowing, you know, if an adult has a,

say, an 18-year-old and they're having a keg party because they graduated from high school. And the next thing you know, you have a house full of kids drinking, you know. This is trying to prevent that from occurring because as we all know there's nothing but tragedy that results from that type of situation.

But I'm wondering in the scenario that -- you're a parent, you're home. Your children have some friends over; they're down in the basement. You take a walk downstairs. You notice there's some -- some beer being consumed, and you tell the kids, Listen, give me the beer I'm taking it away, that's it no more drinking it's not allowed.

You go back upstairs. You think the situation's resolved. You go to sleep and, of course, it's not resolved because someone else came through the back door or brought in more beer from outside and you didn't catch that.

In that scenario, is the parent susceptible to being in violation of this statute?

CHIEF STATE'S ATTORNEY KEVIN KANE: In that section, they shouldn't be. Now, I have -- I read the statute for the first time closely yesterday, but that's not the type of conduct, obviously, we want to reach.

We do want to reach what we -- more than one parent is gone away and come back horrified to find out what happened in the house when they were gone. And that type of parent shouldn't be prosecuted, but the parent who knowingly -- I think the recommended amendment is going to be who does it knowing that alcohol is being consumed or going to be consumed or -- or recklessly or with criminal negligence.

Now that's the amendment that certainly improves the language, which was before the General Law Committee. When I read it late in the day yesterday, I thought that probably is sufficient and that's a good way to do it. The trick is getting the right language that strikes the right balance because it is -- it's very serious and we have seen many cases around the state where -- where serious consequences have resulted from adults knowingly allow -- allowing activity to go on which shouldn't go on. The trick is -- is -- is defining this in the right way to strike the right balance.

REP. SMITH: Yes. And I agree with you in that regard. I think there is a balance that has to be stricken, and hopefully, we can reach that because I think they're certainly parents who not only allow to occur and that's what we're trying to prevent and there are other parents that maybe blindsided by what actually happened or is happening under their own roof and the next thing you know they're looking at a criminal violation, so I hope we do find that balance.

I'm going to shift quickly to --

If I may, Mr. Chairman --

-- the unauthorized practice of law and, you know, having done a fair amount of real estate over the years, the practice is -- is now changing where we often see contracts come to us, as attorneys, that have been prepared by realtors or they're form contracts, you know, negotiated and discussed at the -- at the realtor conference room and then end up in our office. And at that point, there's not much more for us to do because the contract signed and -- and it's binding in my mind.

SB 454

Thank you very much.

JAMES MCGAUGHEY: Thank you.

REP. FOX: Our next is State Representative John Frey.

REP. FREY: Good morning. Thank you.

With your permission, I've invited Ridgefield Police Chief John Roche and Ridgefield First Selectman Rudy Marconi to join me just to maybe shorten -- condense a little bit --

HB5360

REP. FOX: Thank you, Representative Frey. We did discuss that before we started --

REP. FREY: Thank you

REP. FOX: -- so I appreciate that.

REP. FREY: Over the past several years, this Legislature has enacted several bills in an effort to curb underage drinking. I'm sure not unique to my district, gatherings in private homes of minors where alcohol is served is becoming more common. And thanks to Chief Roche and First Selectman Marconi, it was suggested that our so-called "social hosting" laws needed revision.

Let me clarify right at the beginning, as Kevin Kane did earlier, we're not talking about parents serving alcohol to their own children. That is addressed elsewhere in the state statute.

Social host laws are important because of the powerful message they send and the potential they have for reducing youth access to alcohol. Such laws are recognized as best practices by leading prevention and research institutions.

And I'd like to invite Chief Roche to give his personal experience.

REP. FOX: Welcome, Chief.

CHIEF JOHN ROCHE: Thank you very much.

Chairman Fox, Chairman Coleman, members of the committee, and Representative Frey, I thank you for your time and giving me this opportunity.

As -- as a police department ---- as many police departments across the state have experienced these parties. We, in Richfield, have experienced those of many years. Over the years, since I've been a -- patrolman in Richfield, since 1980, we have seen the laws progress further. But with the changes that are proposed or as the law stands it does challenge us as law enforcement officials when we do respond to these parties to ensure the safety of the children that do attend these events and take it upon themselves to have these keg parties. These binge parties that they do go to.

Over the years, the experiences we've had -- and we've gone through many extremes. Extreme where I've gone to a home and there's been an excess of \$50,000 worth of damage. And what was a good intended party by a high schooler and suddenly the entire class shows up and the parents were away on vacation come back to a disaster in their home.

To another time where a child had blocked us from entering the home, which was their legal right but two hours later, calling crying, please help me, please help me, my friends are destroying the home.

Of recent, we've gone to parties where we have issued infraction tickets, which is the law provides now, which hopefully will be -- would be changed. We, then, come up two -- two hours later with a child who was issued the infraction ticket has their picture posted on Facebook, and saying thank you to the Ridgefield Police for this badge of honor, so we're seeing a different mentality when we respond to these parties.

In addition, we responded to parties where the parents are home, and they don't take it upon themselves a responsibility to supervising the event and what they do is give this responsibility to their children. And when the children have friends that do approach the party or come to these parties, they're bringing kegs, they're bringing cases of beer.

What used to be a simple one or two beers, now everybody starts to drink the kegs. They start drinking the cases of beer. So we're seeing these binge drinking mentality transposed into the homes. When we knock upon -- knock on the door, we speak to the parents, we've received a complaint from somebody that they picked up their child and their child was intoxicated and they had no idea alcohol was being served. We go to the parents and the parent says, well, no they're just having a party, a small gathering downstairs. What they've done is they've relinquished the responsibility.

Of what we're seeing and taking away that difficulty from their child of telling their friends, no, which their having trouble doing so because of the peer pressure that they're under. We, then, go downstairs and we find 100 to 150 children. People are underage drinking in states of intoxication.

Our first goal when we respond to these parties is for the care and the welfare of the children, not simply to go in to arrest people. Our concern is -- and it always has been and I've been taught this since my days as a junior officer, to get the child home safely, to get the people home safely. From there we investigate, and what is revealed is -- is that these parents what they essentially do is they leave the responsibility for the -- for the overseeing of the party to this underage person. And they have this difficulty in saying, no, to their friends because they're going to see them in school in a couple of days and suddenly they're on the outskirts. They're blackballed by their friends.

We've seen parents that do go away and purchase the liquor for their children. We see parents that come to the homes -- when we come to their homes, they're sitting at the kitchen table drinking with their kids -- constantly over and over again these parties. Do we see the end results? Yes, we have. Just this recent summer, we saw a 16-year-old who was leaving, partying all day at different homes, parents had left their kids home alone and she ended up dying in a car accident, a needless, a needless sad case. And we do see these cases throughout the -- throughout our career as law enforcement officers.

I think what we need to do is the children, there are good children out there. And these are good children, but they're placed in situations and circumstances where we're asking them to make adult decisions, asking them to make decisions that we, as parents, that we, as guardians, should be helping them make by taking it and alleviating them of the responsibility, our responsibility, to oversee it to give them a safe environment.

You know, parents -- the parents do go away at night, they do have their events. We do use our investigative skills to go in to ascertain what is -- what is going on.

I support the changes that Chief State's Attorney Kane had recommended in bill 5360 by striking out the individual having to be physically present by adding in there "reckless and criminal negligence." And by -- with the General Law Committee removing this as an infraction and making this what it really is, something that to give us a tool, as law enforcement, as the officers on the street, to legislate a law which helps protect the -- protect people, the children. Helps protect them so they're not being placed in the circumstance but, quite frankly, they're 16, they're 15, they're 17 years old, and they shouldn't have to be placed in those circumstances. We, as adults, need to step up. We, as adults need to be accounted to oversee and to help them in this process. .

Thank you.

REP. FOX: Thank you.

And --

FIRST SELECTMAN RUDY MARCONI: If I may?

REP. FOX: Sure, of course.

FIRST SELECTMAN RUDY MARCONI: Okay. My name is Rudy Marconi, first selectman, Town of Ridgefield. I've been in that position for the last 14 years. And this is, you know, to see the three of us here one day out of our community, testifying together is a little unusual probably. To have a Republican state

HB 5360

representative, a Democratic first selectman and the chief of police all together on the same issue demonstrating the importance that we feel this -- this issue, this bill brings to not just our community but to the entire state of Connecticut.

In my work in this area over the last 14 years - - and I've taken a very, very active role in our community, but I've also gone outside of our community HVCASA, which is Housatonic Council Against Substance Abuse -- Alcohol and Substance Abuse -- Allison Fulton working with 43 towns. What we see in our community is not unique. It is a problem that exists throughout the state of Connecticut.

Parents in their effort to parent better than ever before have a tendency to want to be more friends with their children rather than the disciplinarians that we often have to play that role. And what we are seeing, as the Chief stated, many of the situations in our entire region are at homes where the parents may be upstairs, watching a movie, reading a book or whatever and claim they have no knowledge of what's going in -- going on in their home.

We want the law to be tightened up so that parents will be held responsible when they're at home to know what is going on in their home. We have too many kids we're losing these days, 16-year-olds, 15-year-olds, 17-year-olds. Whether it's the use of marijuana, going on to more serious drug addictions or the use of alcohol and becoming alcoholics. Unfortunately, we haven't gotten to the point where we can prove in the DNA that one of us or one of you may be more susceptible than the other. All kids are at risk. And we have, I feel, a fiduciary responsibility, a judicial responsibility, responsibility as elected officials to our

communities and to the State to take a more progressive action here and to give the law enforcement the additional powers they need to have parents become more accountable.

Thank you.

REP. FOX: Thank you, First Selectman Marconi.

And are there any questions or comments?

REP. FREY: Mr. Chairman, I included my testimony with suggested substitute language. I'm not a lawyer. I don't play on one on TV either, but some suggestions that in discussion with the Chief and with Kevin Kane yesterday that -- I asked you get out of committee might be easier to use this language so it's cleaned up and everybody understands what's going forward, but if not, we can address it later.

REP. FOX: Okay. Well, thank you.

We did discuss that earlier, and we'll get a chance to look at it and see what we can put together, but I do thank you and thank you all for your testimony on this important issue.

FIRST SELECTMAN RUDY MARCONI: Thank you.

REP. FOX: Next is Judge Robert Killian.

JUDGE ROBERT KILLIAN: Thank you, distinguished Co-Chairs and members of the committee. My name is Bob Killian.

SB452

And for the last 29 years, I've been privileged to preside over the Hartford Probate District. I have tremendous respect for the Commissioner of the Department of Mental Health and Addiction Services and totally endorse and support the outstanding job she and her colleagues have done

health system "consumers." That implies that they have a choice of services, like you have a choice of brands in the store. People refuse meds for good reasons. We can counter those reasons, but only by convincing them that things have changed. If this proposal passes, that task becomes impossible. Thank you.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Seeing none, thank you very much for waiting.

Next speaker is Dr. William Begg, then Erin Oleynek, Angel -- Angel Rivera, Patrick Alair, and Mary Ellen Fibido.

WILLIAM BEGG: Judiciary Committee members, thank you very much for your time. I appreciate the opportunity to speak. My name is Dr. Bill Begg. I'm an emergency doctor from Danbury Hospital in Connecticut. I'm president of our medical staff. I'm EMS medical director, trauma liaison clinical practice coordinator. I'm board-certified, and I trained at the Johns Hopkins Hospital.

I'm here to provide testimony concerning House Bill 5360, concerning -- AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS IN A PRIVATE PROPERTY. I endorse that concept, but I opposed the bill as written.

There's three points to the bill which render it essentially useless in my estimation and from my clinical experience. Number one, the provision in the bill, it states that the parent essentially has to be physically present in a dwelling is a very, very tough thing to enforce. We've already heard commentary from the

Ridgefield first selectman and also Ridgefield police chief. There's been testimony submitted by Division of Criminal Justice towards this point. Basically, if a parent leaves and goes to the movies or if they go to the next house, the bill doesn't kick in and they're not liable if the way it's written.

Secondarily, if -- if the parent does not knowingly permit the minors to possess alcohol, meaning they're upstairs and they say, I didn't know, or they say, well, I wasn't home, then they're not liable also. If those two stipulations do kick in that they were physically present and they -- they knowingly permitted the alcohol to be there, the -- it's an infraction. I -- the point of this bill is to afford change and to decrease our youth from being maimed and injured, and it does not do that.

I've been an ER doctor for 23 years. I do drunk driving lectures at all the local high schools, and I have first-hand knowledge of the subculture of parents that knowingly facilitate. And worse than that, they -- they stand idle while dozens of teens congregate to drink alcohol at their homes. I do not accept the notion that a parent is not liable if they go to a different part of the house or they go to movies or they go on vacation. I do not endorse that kind concept. I have personally seen the consequences of these house parties. I've pronounced children dead. I have told family members that your daughter has been raped. When you look in the eye of parents and say your kid has -- is dead, and they say, What can I do?

I say, I don't know. That's why I'm here today. Because I think with a stronger bill, we can afford some change and we can't afford the parents -- we can have the parents think twice

about hosting these parties. I have three teenagers.

To summarize, I'm passionate of the belief that if the parents of our communities knew that were strong legal implications to the choices that they were actively making or to the choices they were passively making that they would be less willing to allow and more willing to prevent teenagers from drinking alcohol on their property. I did submit testimony at 8:15 this morning, which may or may not have made it to you, and I'll be happy to take any questions also.

SENATOR DOYLE: Thank you.

Any questions from the committee?

Representative Hetherington.

REP. HETHERINGTON: Thank you, Doctor, for being here. I just wanted to be -- make sure I understood the portions of the bill that you found to be a problem. One is the -- in lines 29 and 30 where it requires for liability that -
- that the person is present, the adult is present.

WILLIAM BEGG: Yeah, that's correct. The last revision that I saw, that was part of the bill.

REP. HETHERINGTON: Okay, and then you had two other comments. What --

WILLIAM BEGG: It was the point that the -- that the parent would have to be physically present and -
-

REP. HETHERINGTON: Right.

211
lg/cd/gbr JUDICIARY COMMITTEE

March 29, 2012
10:00 A.M.

WILLIAM BEGG: -- and knowingly permit the alcohol to be served.

REP. HETHERINGTON: Oh, okay. Right.

WILLIAM BEGG: And then if those two stimulations kicked in, the worst would happen is they'd have an infraction. There wouldn't be a \$500 fine, like, the second offense, there wouldn't be imprisonment or anything else.

REP. HETHERINGTON: So you would argue that -- that the parent or the person in charge of the house would have a duty to know whether or not alcohol was going to be offered. Right?

WILLIAM BEGG: That would be correct. I don't have legal background, but that's -- that's the concept, yes.

REP. HETHERINGTON: Sure. No, I -- okay. Well, I appreciate that. Okay. Well, that's -- that's helpful, I -- and I think your point is well taken. Thank you.

Thank you, Mr. -- oh, sorry.

WILLIAM BEGG: Thank you. I -- I think it's a pleasure for me to have presented. Both my mom and dad were Connecticut state representatives that served proudly at this institution. Thank you again.

REP. HETHERINGTON: Yet look how well you turned out. It's surprising.

SENATOR COLEMAN: Erin Oleynek is next.

A VOICE: (Inaudible.)

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 16
5004 – 5323**

2012



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice
Joint Committee on Judiciary

March 29, 2012

HB 5145
HB 5553

S.B. No. 446: An Act Concerning the Amount of Bond that May Be Set for Misdemeanor and Violation Offenses

H.B. No. 5505: An Act Concerning Indecent Exposure to Persons under the Age of Sixteen

H.B. No. 5360: An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property

H.B. No. 5547: An Act Concerning Release from Arrest Without Further Criminal Complaint

H.B. No. 5552: An Act Concerning the Penalties for Failure to Report Child Abuse

H.B. No. 5555: An Act Concerning Diversionary Programs

The Division of Criminal Justice respectfully opposes the above bills for the following reasons:

S.B. No. 446, An Act Concerning the Amount of Bond that May be Set for Misdemeanor and Violation Offenses: The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on this bill. The bill would place artificial limitations on the amount of bail for certain classes of crimes with no justification for doing so. Bonds in excess of the limits proposed in the bill are rare. In most misdemeanor cases the bond is usually low if not a promise to appear. The bill is not necessary since the factors that would have to be considered by the court or bail commissioner in setting a higher bail are already those considered in setting bail. This bill could impinge on the judge's discretion to set bond, which in any given case could prevent the court from setting a bond which is both reasonable and necessary. The Division of Criminal Justice is not aware of any instance where an individual was held on bond for a prolonged period on a misdemeanor count only. If there are such cases we would ask that they be brought to our attention so that we may review the circumstances. The language of the bill is also problematic. By requiring the court to make "specific findings of fact," rather than merely stating its reasons on the record, the question arises of whether some type of evidence or

hearing would be required, resulting in the need for additional prosecutors, investigators and court or other staff.

H.B. No. 5505, An Act Concerning Indecent Exposure to Persons under the Age of Sixteen: The Division of Criminal Justice questions the need for this bill. The bill proposes to establish a new crime of Indecent Exposure in the First Degree, which would be designated a class D felony. It would appear that the conduct that would be deemed a class D felony under this legislation is already proscribed by section 53-21 (a) (1), Risk of Injury to, or Impairing the Morals of, Children, which is a class C felony. Accordingly, the Division would recommend the Committee take NO ACTION on H.B. No. 5505.

H.B. No. 5360, An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property: The Division of Criminal Justice respectfully recommends the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill to revise subsection (a) to incorporate substitute language that we understand is being submitted to the Committee by Representative Frey. As we stated in testimony to the General Law Committee, the present language of subsection (a) would amend the social host law by limiting the liability for underage drinking to a person having possession of, or exercising dominion and control over, any dwelling unit or private property, "while being physically present in such dwelling unit or on such private property." This would seem to absolve a parent from liability or responsibility if he or she leaves the home before the drinking begins. It would seem to say that if the parent leaves and goes on vacation, goes to the grocery store or even goes to visit another person in a different apartment in a multi-unit building, he or she would not be responsible for the underage drinking that occurred in their dwelling, even if they were aware of it, as long as they were not physically present. Further, it would appear to absolve from liability a landlord who rents a unit to one or more students under age 21 or a group or organization that includes persons under 21. If at some point the landlord has knowledge that underage drinking is going on in the unit, as long as he/she is not physically present, the landlord would have little, if any, liability or responsibility for the activity. It is our understanding that the substitute language prepared by Representative Frey would address our objections and accomplish what was originally intended by this bill.

We would further recommend the Committee amend section 2 of the bill to designate the offense as a class A misdemeanor (or other class of misdemeanor as deemed appropriate by the Committee) rather than specifying a specific maximum fine and term of imprisonment as proposed in the bill and as is the current law for a subsequent violation. To assign a specific class of misdemeanor is consistent with the recent efforts to classify crimes when possible as opposed to maintaining unclassified misdemeanor offenses, building upon the work of the Sentencing Commission and the Judiciary Committee through the Committee's approval of H.B. No. 5145, An Act Concerning the Recommendations of the Sentencing Commission Regarding the Classification of Unclassified Misdemeanors.

H.B. No. 5547, An Act Concerning Release from Arrest Without Further Criminal Complaint: This bill is another case where it would appear that good intentions can have very bad results. The Division would respectfully recommend the Committee take NO ACTION on this bill. It would appear that the bill is being offered to provide a means for the police to release an individual who should not have been arrested. While that may be the intention, the untold

Testimony of William V Begg III, MD, FACEP

*President, Danbury Hospital Medical Staff
EMS Medical Director, Danbury Hospital
Trauma Liaison, Danbury Hospital
Clinical Practices Coordinator, Danbury Hospital Emergency Department*

*Board Certification: American Board of Emergency Medicine (1993, 2003)
Training: The Johns Hopkins Hospital, Baltimore, Maryland (1989-1992)*

March 29, 2012

H.B. No. 5360: An Act Prohibiting Certain Persons from Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property

To protect the health and safety of persons under the age of eighteen and to prohibit certain persons from allowing minors to possess alcoholic liquor in dwelling units or on private property.

I respectfully oppose amending H.B. No. 5360. The proposed amendments would limit the liability for underage drinking of persons, including parents, having control over any private property.

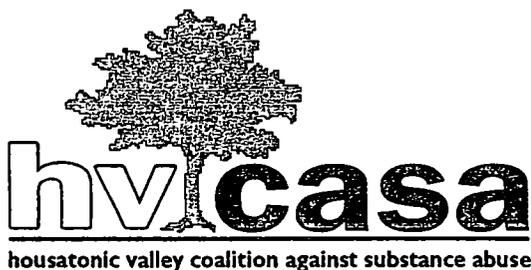
As an emergency room doctor for the last 23 years, I have encountered numerous examples of good kids making poor choices with alcohol, partly because of the environment they find themselves in. Having done "drunk driving" lectures at local high schools for 18 years, I have first hand knowledge of a subculture of parents that knowingly facilitate or stand idle while dozens of teens congregate to drink alcohol at their parent's home.

I do not accept the notion that if a parent goes to a different part of the house while the teenagers are in the basement, leaves the home before the drinking begins, or leaves and goes on vacation, he or she would not be responsible for the underage drinking that occurred in their dwelling

I have personally seen the consequences of allowing teenagers to drink alcohol at one's home, including teenagers maimed or killed in falls or car accidents, and teenage girls being raped. When I walk into a grieving room at 2am and tell tearful parents that your son is dead or your daughter was raped, they will many times ask, what could have been done?

I have three teenagers, and I am here today to say that by not absolving a parent from the responsibility and liability of allowing minors to drink alcohol on their property, the child you save may be yours or mine. I am passionate of the belief that if the parents of our communities knew there were strong legal implications to the choices they actively or passively made, they would be less willing to allow, and more proactive to prevent, teenagers from drinking alcohol on their property.

This amended language appears to be contrary to the very title of the bill, which states it is an act "prohibiting certain persons from allowing minors to possess alcohol on private property. I believe that the revisions proposed are contrary to the original intent of the social host law and as such is contrary to public policy. I would respectfully recommend rejection of the proposed changes.



ALLISON FULTON, EXECUTIVE DIRECTOR, HVCASA

**TESTIMONY IN FAVOR OF HB 5360- An Act Prohibiting Certain Persons From Allowing
Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property**

Thank you Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Allison Fulton and I am the Executive Director of the Housatonic Valley Coalition Against Substance Abuse (HVCASA), a CT Regional Action Council in the northwestern part of the state. I am here today to speak in favor of House Bill 5360, (An Act Prohibiting Certain Persons From Allowing Minors to Possess Alcoholic Liquor in Dwelling Units and on Private Property). If passed, this bill will strengthen proven prevention strategies that are currently in place at the local level.

Every two years our organization conducts a community needs assessment for the Department of Mental Health and Addiction Services and, in our region, underage drinking has been identified as the number one prevention priority every time. Alcohol is by far the drug of choice among youth. It is often the first one tried and it is used by the most kids. 2011 student surveys from our area indicate 63% of 12th graders drank in the past month. The average age of first use is 13. Further, and perhaps most troubling, is the fact that during the past year, 23% of 8-12th graders report being a passenger in a car with a driver who had been drinking. Chances are all of our communities have their share of youth at risk. I have been working in this field for 10 years and I have no reservations about asking for the boost up that this legislation would provide. We need to continue to reduce access. Changing the first offense to a misdemeanor is an appropriate revision.

Parents' ability to influence whether their children drink is well documented and is consistent across racial/ethnic groups. Setting clear rules against drinking, consistently enforcing those rules, and monitoring youth behavior all help to reduce the likelihood of underage drinking. We are too well aware of parents who host high school drinking parties after Friday night football games and dances. Our local prevention councils support the notion of holding adults responsible for teen parties. For this reason, I would urge you to change the language of the bill stating that adult must be present for the law to be enforced. Based on the statistics above, it could be argued that if you are an adult with underage children and you are not supervising them or setting clear limits in your home, you are permitting them to possess alcohol. It does not matter whether you are there, or not. We need to send a clear message to adults about the serious risks and possible subsequent liabilities associated with underage drinking.

Thank you for your time and concern.



TOWN OF RIDGEFIELD
Office of the First Selectman

PAGE 5
LINE 4

MARCH 29, 2012

TESTIMONY IN SUPPORT OF SUBSTITUTE BILL - HB5360

CO-CHAIR REPRESENTATIVE FOX

CO-CHAIR SENATOR COLEMAN

MY NAME IS RUDY MARCONI, FIRST SELECTMAN OF RIDGEFIELD, CONNECTICUT. I AM HERE TODAY TO SPEAK IN FAVOR OF HB SUBSTITUTE BILL 5360 "AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY".

OUR COMMUNITY, LOCATED IN FAIRFIELD COUNTY IS NO DIFFERENT THAN MOST CONNECTICUT COMMUNITIES IN OUR STATE WHEN IT COMES TO UNDERAGE DRINKING. THERE ARE PEOPLE HERE TODAY FROM OTHER COMMUNITIES AROUND OUR STATE THAT WILL CONFIRM THE EXISTENCE AND BROAD REACH OF THIS ISSUE.

AS A CHIEF ELECTED OFFICIAL, I CHOOSE TO PLAY A VERY ACTIVE ROLE IN OUR COMMUNITY'S WELL BEING ALONG WITH SOME KEY LEADERS OF OUR TOWN. IN 2004, AFTER THE DEATH OF A YOUNG RESIDENT DUE TO A DRUG OVERDOSE, THE RIDGEFIELD COMMUNITY COALITION AGAINST SUBSTANCE ABUSE WAS FORMED. THE RCCASA HAS INITIATED SEVERAL PROGRAMS SINCE ITS INCEPTION AND CONTINUES TO WORK WITHIN THE COMMUNITY TO EDUCATE PARENTS AND STUDENTS ALIKE ABOUT THE POTENTIAL DEADLY OUTCOME OF ALCOHOL AND DRUG USE. THIS PAST AUGUST WE LOST A 16-YEAR-OLD GIRL TRAGICALLY. ALCOHOL WAS DEFINITELY INVOLVED AND WAS ILLEGALLY SERVED IN SEVERAL HOMES SHE FREQUENTED THAT DAY.

400 Main Street · Ridgefield, CT 06877
Phone: (203) 431-2774 · Fax: (203) 431-2311 · selectman@ridgefieldct.org

www.ridgefieldct.org

I AM PERSONALLY AWARE OF FOUR TO FIVE PARTIES TAKING PLACE IN HOMES THROUGHOUT THE YEAR NOT ONLY DURING PROM SEASON BUT ALSO OVER THE HOLIDAYS, THE RESULT OF WHICH IS OVERCONSUMPTION OF ALCOHOL BY MINORS, ARRESTS AND IN WORST CASE SCENARIOS, DEATHS.

IT IS TIME THAT OUR STATE BECOMES AN ADVOCATE FOR OUR NEXT GENERATION BY HELPING MUNICIPALITIES CONTROL THIS EVER-GROWING ISSUE.

WE MUST SEND A CLEAR MESSAGE TO PARENTS AND ADULTS ACROSS THE STATE OF CONNECTICUT THAT THE DISTRIBUTION OF ALCOHOL TO UNDERAGE PEOPLE IN THEIR HOMES WILL NOT BE TOLERATED. UNTIL WE TAKE THIS STEP, WE WILL CONTINUE TO LOSE THESE VERY VALUABLE YOUNG PEOPLE.

AS OUR LEGISLATURE CONTINUES TO DISCUSS AND PASS LAWS THAT INCREASE THE DISTRIBUTION OF ALCOHOL, WE MUST CONSIDER THE IMPACT THAT THIS WILL HAVE ON THE YOUNGER GENERATION. WE MUST RECOGNIZE THAT WE WILL NEED TO INVEST MORE IN OVERSIGHT AND MONITORING PROGRAMS, SUCH AS COPS IN SHOPS, ETC. AS A RESULT OF THESE LAWS. THE RETURNS ON THIS TYPE OF INVESTMENT WILL FURTHER THE IMPACT ON THE POLICE OFFICERS IN OUR COMMUNITIES.

IN SUBSTITUTE BILL 5360, WE ARE ASKING, AS STATED IN CHIEF JOHN ROCHE'S TESTIMONY, THAT YOU MODIFY LANGUAGE THAT WILL ALLOW LOCAL POLICE AUTHORITIES TO TAKE ACTION THAT WILL SEND A VERY CLEAR MESSAGE TO THE MANY HOMES IN OUR STATE THAT ADULTS WILL NOT BE ALLOWED TO HIDE BEHIND THE CLAIM OF IGNORANCE WHEN IT COMES TO THE DISTRIBUTION OF ALCOHOL TO MINORS. PLEASE—WE NEED YOUR HELP.

RUDY MARCONI
FIRST SELECTMAN



TOWN OF RIDGEFIELD

Police Department

March 28, 2012

To: Joint Committee on Judiciary
State of Connecticut
Room 2500, Legislative Office Building
Hartford, Connecticut 06106

From: John S. Roche
Chief of Police
Town of Ridgefield, Connecticut

Subj: Substitute Bill No. 5360

Members of the Joint Committee on Judiciary:

I am respectfully requesting the Committee modify Substitute Bill No. 5360. The bill, as it stands, challenges Law Enforcement to accomplish the goal of this law; to hold accountable persons responsible for providing alcoholic beverages to underage persons.

The phrase inserted in paragraph (a), "while being physically present in such dwelling unit or on such private property", adds an element to the law which had not existed in the past. This element of Bill 5360 should be deleted from the bill's content.

In the same Paragraph (a), under Sections One (1) and Two (2), the words "recklessly or with criminal negligence" are added. This additional language will better law enforcement's efforts in appropriately enforcing those situations when police officers respond to Calls for Service involving underage drinking.

In Paragraph B, the elimination of the phrase, "for a first offense, have committed an Infraction and for any subsequent offense", is an important step put forth by the Joint Committee on general law; I concur with this action.

In over 32 years as a law enforcement officer, I have been a part of the efforts to prevent tragedy caused by underage persons consuming alcoholic beverages and the resulting consequences.

Community Policing is defined as a partnership between the police and law-abiding citizens to create permanent solutions to problems and thereby enhance the quality of life in the Community.

Partnerships have been formed through community coalitions, educational programs and enforcement efforts to help prevent and educate our Communities on the dangers inherent to alcoholic beverages and underage consumption. Connecticut has seen the sad and unnecessary tragedies which take place when underage persons and alcoholic beverages connect.

The opportunity presents itself for our legislature to better form this law, a solution which will not deprive the rights of our Communities but improve the application of the law by holding those persons accountable for enabling underage persons to consume and/or possess alcoholic beverages.

I urge the Joint Committee on Judiciary to examine the amended Substitute Bill No. 5360, attached hereto, make the recommended changes to this document, and support the Legislature to enact this important law

76 East Ridge • Ridgefield, CT 06877
Phone: (203) 438-6531 • Fax: (203) 431-2741

www.ridgefieldct.org

**State of Connecticut**

HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE JOHN H. FREY
ONE HUNDRED ELEVENTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 4200
HARTFORD, CT 06106-1591

TOLL FREE (800) 842-1423
CAPITOL (860) 240-8700
EMAIL John.Frey@housegop.ct.gov

REPUBLICAN WHIP
RANKING MEMBER
SELECT COMMITTEE ON AGING

MEMBER
BANKS COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE

March 29, 2012

**Testimony in support of HB 5360 - AN ACT PROHIBITING CERTAIN PERSONS
FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN
DWELLING UNITS AND ON PRIVATE PROPERTY**

Good morning. I'm State Representative John Frey from Ridgefield and I would like to first thank the General Law Committee for forwarding this bill and the leadership of the Judiciary Committee for allowing a second hearing today.

Over the past several years, this legislature has enacted several bills in an effort to curb underage drinking. I'm sure not unique to my district, a gathering in private homes of minors where alcohol is served is becoming more common. Thanks to Ridgefield Police Chief John Roche and Ridgefield First Selectman Rudy Marconi, it was suggested that our so-called social hosting laws needed revision.

Let me clarify right at the beginning – we are not talking about parents serving alcohol to their own children. That is addressed elsewhere in state statute.

Social host laws are important because of the powerful message they send and the potential they have for reducing youth access to alcohol. Such laws are recognized as best practices by leading prevention and research institutions.

Studies conducted to date on social host laws have reported the following effects; helping to establish a community norm that rejects underage drinking as an acceptable part of growing up, holding youth accountable for underage drinking parties planned without the knowledge of their parents, encouraging parents and other adults to take reasonable steps to prevent teenage drinking parties while they are away, increasing awareness and providing incentive for party hosts to be vigilant in preventing underage drinking, deterring adults and youth from hosting parties where. Underage drinking occurs, and allowing public safety personnel to issue a citation or charge individuals who host underage drinking parties for 'providing the place for underage drinking to occur.'

Parents and other adults are in the best position to deter and prevent underage drinking parties, but some fail to take reasonable steps to do so. Well publicized social host laws can be effective at encouraging more parents and adults to step up to their responsibility - enforcing underage drinking laws and keeping youth and the public safe is a collective responsibility.

Since the Public Hearing before the General Law Committee, and in consultation with Chief State's Attorney Kevin Kane, there are a couple of language changes are suggested that would give the violation greater enforcement power and make the first violation a misdemeanor, instead of a simple infraction that it is today. It also removes language in section (a) that the State's Attorney correctly suggested appeared to remove one of the barriers to discourage underage drinking, that being the liability imposed on a property owner. Suggested substitute language:

AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:
Section 1. Section 30-89a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*)

(a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall, [while being physically present in such dwelling unit or on such private property.] (1) knowingly, recklessly, or with criminal negligence permit any minor to possess alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, or (2) knowing, recklessly, or with criminal negligence, permit any minor to possess alcoholic liquor in violation of subsection (b) of section 30-89 in such dwelling unit or on such private property, fail to make reasonable efforts to halt such possession. For the purposes of this subsection, "minor" means a person under twenty-one years of age.

Furthermore, State's Attorney Kane suggests, in section (b) that instead of specifying the penalty (b) should say: "Allowing minors to possess....." is a class A misdemeanor. (The maximum penalty for an A misdemeanor is 1 year and/or a \$2,000 fine).

I thank the Judiciary Committee for your consideration of this bill and ask that you report it favorably out of your committee for action.

S - 649

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E. COLEMAN
CLERK OF THE SENATE
ERNEST J. COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358
5148
5394
5326
5025
5534
5539
5320
5462
5394
5511
5283
5437
374
5011
5440
5279
5290
5307
5032
5230
5241
5087
5276
5484
5495
5232
5447
5543
5353
5271
5344
5038



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E COLEMAN
CLERK OF THE SENATE
ERNEST J COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
- 5022
- 5259
- 5496
- 5360



State of Connecticut

SENATE CLERK'S OFFICE
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591
(860) 240-0500

GAREY E. COLEMAN
CLERK OF THE SENATE
ERNEST J. COTNOIR
ASSISTANT SENATE CLERK

TIMOTHY B. KEHOE
PERMANENT ASSISTANT
CLERK OF THE SENATE

Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

319
May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

rgd/tmj/gdm/gbr
SENATE

320
May 9, 2012

At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.

H – 1141

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 19
6188 – 6484**

cah/gbr
HOUSE OF REPRESENTATIVES

69
May 5, 2012

Bill Number 5360, AN ACT PROHIBITING CERTAIN PERSONS FROM ALLOWING MINORS TO POSSESS ALCOHOLIC LIQUOR IN DWELLING UNITS AND ON PRIVATE PROPERTY, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker.

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

DEPUTY SPEAKER ORANGE:

The question is acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, Representative?

REP. TABORSAK (109th):

Thank you, Madam Speaker.

Madam Speaker, the Clerk is in possession of an amendment, LCO Number 5038. I'd ask that the Clerk call the amendment and I be granted leave of Chamber to summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 5038 which will be designated as House Amendment Schedule A?

THE CLERK:

cah/gbr
HOUSE OF REPRESENTATIVES

70
May 5, 2012

LCO 5038, House A, offered by Representative Frey,
Representatives Dargan, Klarides, Godfrey, et al.

DEPUTY SPEAKER ORANGE:

The Clerk (sic) asks leave of the -- of the
Chamber to summarize.

Objection, objection?

Hearing none, Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker.

Madam Speaker, this is a strike all amendment and becomes the bill. Essentially this amendment makes it a Class A misdemeanor for an adult home or -- homeowner that recklessly or with criminal negligence allows minors to possess alcohol on their private property. This will go a long way to addressing the problem that our law enforcement officials have in breaking up house parties where underage teenagers consume alcohol and tragedies have happened in our state.

I move adoption.

DEPUTY SPEAKER ORANGE:

The question before the Chamber is on adoption of
House Amendment A.

Will you remark on House Amendment A?

cah/gbr
HOUSE OF REPRESENTATIVES

71
May 5, 2012

Representative Frey of the 111, you have the floor
sir.

REP. FREY: (111th):

Thank you, Madam Speaker.

Madam Speaker, I'd like to thank the -- the
Chairman of the General Law Committee for his
explanation of the amendment. This came as a result of
a couple of tragedies we had in Ridgefield and a
coalition was formed including the school
superintendent, the first selectman, the chief of
police, parents and others and it was -- it was thought
that a couple of little corrections to our social
hosting law would be appropriate and I want to thank in
particular Kevin Kane in the State's Attorney's Office
for their help in crafting this language and I urge
adoption.

Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, Representative Frey.

Will you care to remark further? Will you care to
remark further on House A?

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Speaker.

cah/gbr
HOUSE OF REPRESENTATIVES

72
May 5, 2012

If I may a quick question to the proponent.

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. SHABAN (135th):

Thank you.

Through you, I'm trying to figure out how the bill, if -- if it's passed as amended, works together with the previous section in the statute which is Title 30-89, in particular Section C, which long story short says if you're -- if you're having a -- if your kid is having wine in your house, it's okay. If -- if you understand the question.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Thank you, Madam Speaker.

Can the gentleman identify the section in statute he's referring to?

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

It's -- thank you.

Through you, Section 30-89 -- it -- it's 30-89,

cah/gbr
HOUSE OF REPRESENTATIVES

73
May 5, 2012

subsection C. Just curious as to how that works
together.

Through you.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, my understanding, if I
understand the gentleman correctly, is that the
provision he is speaking of is covered elsewhere in
statute so it doesn't affect the status quo.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker.

I thought that was important for legislative
intent and I appreciate the input.

DEPUTY SPEAKER ORANGE:

Thank you, sir.

Will you care to remark further on House Amendment
A?

Representative Lavielle --

REP. LAVIELLE (143rd):

Thank you.

cah/gbr
HOUSE OF REPRESENTATIVES

74
May 5, 2012

DEPUTY SPEAKER ORANGE:

-- of the 143rd you have the floor Madam.

REP. LAVIELLE (143rd):

Thank you so much, Madam Speaker.

I have a quick question for the --

DEPUTY SPEAKER ORANGE:

Please proceed.

REP. LAVIELLE (143rd):

-- for the proponent of the amendment.

I had a constituent who was a bit concerned about the original bill and I just wanted to make sure that the amendment resolves that. I believe it does and so for legislative intent could the proponent just clarify the difference in terms of those physical requirements and knowledge of the possession of alcohol.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, what the amendment essentially does is it changes the -- it changes the standard from knowingly to knowingly, recklessly or with criminal negligence so it expands the circumstances that could give rise to a violation to

cah/gbr
HOUSE OF REPRESENTATIVES

75
May 5, 2012

situations where recklessness or criminal negligence are involved which is a -- a lesser standard than knowing.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you.

That was what I wanted to know. I appreciate it.

Thank the gentleman for his answer.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you.

Will you care to remark further?

Representative Linda Schofield.

REP. SCHOFIELD (16th):

Thank you, Madam Speaker.

I'm sorry I've been having a hard time hearing so I apologize if I'm asking a question that's already been asked but to the proponent of the bill, I come from a family of many immigrants and so we always had wine and especially at holiday meals and -- and other spirits from the time I was a little kid. When you're French you drink wine. Sorry, but regardless of age.

cah/gbr
HOUSE OF REPRESENTATIVES

76
May 5, 2012

And so I'm just wondering does this mean that a parent who lets their kid have a glass of champagne on New Year's Eve or a glass of wine on Christmas dinner is violating this law because they're knowingly permitting their minor to possess alcohol?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Madam Speaker, that circumstance where a parent is allowing their minor child to have a drink in their company is -- is not becoming a violation of this proposed bill.

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Schofield.

REP. SCHOFIELD (16th):

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, Madam.

Will you care to remark further on House Amendment A? Care to remark further on House Amendment A?

If not, let me try your minds. All those in favor please signify it by saying aye.

cah/gbr
HOUSE OF REPRESENTATIVES

77
May 5, 2012

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? Further on the bill as amended? Will you care to remark?

If not staff and guests please come to the well of the House. Members 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 taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER ORANGE:

Would you care to -- whoops -- have all the members voted? Have all the members voted? Have all members voted? 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:

House Bill 5360, as amended by House A.

Total number voting

135