

PA12-079

HB5089

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
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**2012
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Office of The Attorney General
State of Connecticut

TESTIMONY OF
ATTORNEY GENERAL GEORGE JEPSEN
BEFORE THE GENERAL LAW COMMITTEE
FEBRUARY 21, 2012

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HB5054

I appreciate the opportunity to support several important bills being heard by the committee today. The first bill I would like to support is SB 60, *An Act Prohibiting Price Gouging During Severe Weather Events*. I strongly support this proposal and urge the committee to report favorably upon it. As you all are aware, Connecticut residents have endured several severe weather events over the past year. High energy bills are bad enough for consumers. But unusually severe weather events, including a tropical storm and freakishly heavy snowfalls, both last winter and most recently last October, created a burden that was too much for some consumers -- and their homes and businesses -- to bear. There were massive and prolonged power outages, downed trees and power lines, collapsed roofs, flooded basements, spoiled food and much, much more. As broadcast and published reports showed, the prices consumers were charged for some of the essential goods and services associated with these events, such as clearing heavy snow from rooftops, staying in hotels, buying generators, and having trees removed varied widely.

Legitimate businesses have a right to make a profit for their work and we all know that when demand for services go up, so does the price. But unscrupulous businesses should not be permitted to exploit consumers by charging unconscionably high prices during public emergencies for goods and services that are essential to the public health, safety and welfare.

This bill will help protect consumers from such business practices. Basically, it says that during a severe weather event, no one in the distribution chain for consumer goods and services that are essential to the public health, safety and welfare shall sell such goods and services at an unconscionably excessive price. The question of whether a price is unconscionably excessive will be determined by the courts on a case by case basis by resorting to a number of factors set out in the proposed bill, including: a comparison of the prices charged for the same goods and services before a severe weather event and after its onset and an examination of whether the same goods and services are available at much lower prices from other sellers in the same area.

Under ordinary circumstances, consumers have a responsibility to use common sense: to compare prices for goods and services and whenever possible to get written estimates for work that needs to be done. As we have learned during the past year, however, it becomes far more difficult to exercise good judgment when the goods and services in question are in acute need and are vital to the public safety and welfare. This bill will give my office an important tool to deter unscrupulous businesses from charging unconscionably high prices during such times.

The second bill I would like to support today is HB 5056, *An Act Concerning the Electronic Prescription Drug Monitoring Program*. This bill makes important changes to the existing prescription drug monitoring program maintained by the Department of Consumer Protection. That program is designed to provide the State, prescribing physicians, and pharmacies with information regarding the prescription of controlled substances in order to prevent the improper or illegal use of such substances. Under existing law, however, only those pharmacies that are licensed to do business in Connecticut are required to report information about the prescription of certain controlled substances. This bill will expand the reporting requirements to both nonresident pharmacies, which currently are registered to do business in Connecticut but are not "licensed" by the State, and any other dispensers, including prescribing physicians. It also will allow the Commissioner to identify and include in the program additional harmful or addictive herbal or chemical substances.

Prescribing physicians and nonresident pharmacies comprise a significant share of the persons and entities capable of dispensing highly addictive and potentially dangerous prescription pills. These changes, therefore, are essential to ensure that physicians and pharmacies have at their disposal a much more accurate and complete picture of what substances are being prescribed to which individuals in Connecticut. As you all know, the problem of prescription drug abuse and addiction is reaching epidemic proportions in the United States, particularly among our society's most vulnerable members -- our youths and teens. I urge you to adopt these proposed changes and to help our physicians and pharmacies more readily identify prescription drug abuse.

The next bill I support is HB 5089, *An Act Prohibiting Telemarketers from Transmitting Inaccurate or Misleading Caller Identification Information*. This bill amends Connecticut's "Do Not Call" law by prohibiting telephone solicitors from intentionally transmitting inaccurate or misleading caller identification information. Under existing law, telephone solicitors are prohibited from intentionally using a blocking device to circumvent a consumer's caller identification service. While this provision is an important and effective way to ensure that consumers and law enforcement are able to identify or contact solicitors, some solicitors have circumvented the requirement by installing equipment that transmits inaccurate or misleading caller identification information. As a result, consumers are deceived into answering a call they otherwise would avoid or unable to identify a solicitor who may have violated the law. In addition, the Department of Consumer Protection and the attorneys in my Office are unable to assist consumers because there is no way to verify the identity of or otherwise contact such solicitors. Amending the law to prohibit such activity will help ameliorate this increasingly common practice. The only change I would recommend to the proposal is to eliminate the requirement that the intentional transmission be made with the intent to defraud, cause harm or obtain anything of value from a consumer. The existing prohibition against blocking caller ID information includes no such requirement. The new prohibition should similarly prohibit any solicitor from intentionally transmitting inaccurate or misleading information, regardless of the purpose for doing so. Indeed, it is difficult to imagine what other purpose there would be for intentionally transmitting inaccurate or misleading information.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
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Calendar 107, Substitute for House Bill Number 5089, AN ACT PROHIBITING TELEMARKETERS FROM TRANSMITTING INACCURATE OR MISLEADING CALLER IDENTIFICATION INFORMATION, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER RYAN:

The Chairman of the General Law Committee, Representative Taborsak of the 109th.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

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

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Taborsak, you have the floor.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker the bill before you, House Bill 5089, AN ACT PROHIBITING TELEMARKETERS FROM TRANSMITTING INACCURATE OR MISLEADING CALLER IDENTIFICATION INFORMATION, makes a significant change to our statutory framework for what many people know as the Do Not Call List. It's also the same statute,

Connecticut General Statutes 42-288(a) that basically governs the conduct of telephone solicitors.

And the proposed change in the bill before you essentially prohibits telephone solicitors from intentionally transmitting inaccurate or misleading caller identification information. And why this is important, Mr. Speaker, is because, although there are currently some protections in the law that prevent telephone solicitors from installing blocking devices and other similar services, these certain solicitors have found a way to circumvent that protection and basically transmit misleading information to people while in their homes so that when they try to use their caller identification, they're misled and they pick up unsolicited calls that they would otherwise not pick up.

Mr. Speaker, this is a good bill for consumers. I move adoption.

DEPUTY SPEAKER RYAN:

Will you remark further on the bill? Will you remark further on the bill?

Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker to the chairman of the committee, just some clarifications regarding the bill that's being proposed.

DEPUTY SPEAKER RYAN:

Please proceed, ma'am.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Just to highlight a little bit about the existing law that I think the chairman did very well, that there is current legislation against using devices that block these numbers. But I believe that this legislation, the purpose is to address those solicitors that have gone then beyond using these devices and then used fraudulent representations.

Through you, Mr. Speaker, if the chairman could give us an example of where that -- how that is actually done and how this legislation will help to prevent that.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I think the gentlelady pointed out the problem,

and that is that there are certain solicitors that mislead the people that they are calling by using information that transmits, or using devices or simply transmitting information that misleads the caller identification systems that people have.

So, for instance, for example -- and this will probably be a poor example -- if a company that I am working for is soliciting people and we were to transmit information that I think misleads the public about the nature of our business, the name of our company, that information would likely be misleading.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I'd like to thank the gentleman for his explanation in that regard. And I certainly do rise in support of this legislation, and I'd like to also highlight that it did pass unanimously in the General Law Committee as well as the Judiciary Committee.

And I do believe that this is an important piece of legislation because solicitors out there have circumvented the current law, and what this

legislation does is identify those solicitors who are fraudulently providing information.

And just to take a step back, because I think for the benefit of the Chamber here and for those that don't sit on the two committees, it's important to know how this is done in practice. Telemarketing is a very important tool for the business community. And, for many amongst us, we probably have used it in our campaigns.

So it's an important tool for businesses, and we want to make sure that we're not impeding on that because it is a way of maximizing getting out the information, whether that's regarding a business, an important issue, whatever the case might be.

But what this piece of legislation does is for those who intentionally -- and I want to highlight that wording "intentionally" -- try to fraudulently misrepresent who they are when they're making these calls, this legislation will stop that.

So for example, if I'm at home at eight o'clock at night, which rarely happens now that we're in session, but watching prime-time TV and I have the benefit of having caller ID, and if I see on the caller ID that it's from a veterans' organization, I

might make the actual decision to get up from the couch and want to go answer that phone.

I certainly would not be very happy if, once I picked up that phone, I found out that it was a solicitor from Montana State trying to sell me a mountain, or something other than what was actually represented on that caller ID -- nothing against Montana or the sale of mountains.

But again, I think the true intent is, here is you want to represent what you're actually trying to get in touch with the consumer. This piece of legislation will guarantee that. So again, Mr. Speaker, I do stand in support of this legislation and encourage my colleagues to support it as well.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Miller of the 122nd, Larry Miller.

REP. L. MILLER (122nd):

Thank you, Mr. Speaker.

I do plan to support the bill, but I have one question. There's a very large firm down in Florida called the Donnelly Corporation who sells lists, any kind of list you want, whether it be on labels, a computer disk, telephone numbers. They do an

unbelievable job.

Now lately I've gotten a couple of robocalls. I don't know if somebody is purchasing a list of telephone numbers from an out-of-state company. I'm on the no-call list, yet I still get these couple of calls, you know, soliciting the purchase of this, the purchase of that. Does this in any way have any effect on those people?

Through you, Mr. Speaker.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

If the company that my good friend has described fell under the definition of telephone solicitor, I believe that this would absolutely apply to them. There's a very clear definition in current law.

And if they do fall under that definition and do business in this state and make those types of telephonic sales calls, they would fall under this Act. And if there was a violation of the Act, it should be reported to consumer protection.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Miller.

REP. L. MILLER (122nd):

Thank you.

One of the calls, as I recall, was from a bank soliciting business. And actually there's always a -- either a standup -- a line on press 1, or if you don't want to receive these calls, press 2. So you know, you have an option there if they had that in their solicitation.

But I thank you for the answers. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Williams of the 68th.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker and good afternoon.

Through you, if I might, a few questions to the proponent of the bill, please.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker.

Through you to Representative Taborsak, just for clarification purposes, it strikes me that the only change in this bill from our current law is in lines 82 through 84 which states, "No telephone solicitor

shall intentionally transmit inaccurate or misleading caller identification information." Is there any other change to our existing law besides that?

Through you.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Not that I am aware of.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Williams.

REP. WILLIS (64th):

Thank you, Mr. Speaker.

And through you, what would the recourse be for a consumer or, frankly, for the State of Connecticut on behalf of consumers if a company or an organization was to violate this new section of our law?

Through you.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

Section G and Section H of the proposed bill outline a wide range of remedies. A violation of the

Act, of the new language, would also be an unfair and deceptive trade practice under Section 42-110(b). That would expose the violator to a number of penalties, civil penalties, fines of up to \$11,000 under Subsection H of current law.

And in a successful civil suit, if one were taken, attorney's fees could be awarded. If there was an injunction sought successfully, I believe up to \$25,000 in penalties could also be awarded. Hopefully that answers the question.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker.

And through you, so just by way of example, if a telemarketing firm were soliciting residents of a particular community on behalf of their police benevolent association or some similar organization, and they were to form an LLC called Watertown Police Benevolent Association Marketers, or something like that, would that be in violation of this new law?

Through you.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I think that what the crux of this bill is, is to get at the type of conduct that truly misleads a person in their home regarding the identity of the solicitor.

So, in my opinion, based upon my knowledge, I think that that would not be a misleading act, if that is, in fact, the company that they're calling from and that information is transmitted to the person's caller ID system, and that is, in fact, who they are. I don't think that would be, on the face of it, misleading.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker.

And through you, if they were to simply put Watertown Police Benevolent Association, but did not put the name of an LLC that had been formed, if they were soliciting on behalf of them, but were called William Solicitors or Taborsak Solicitors, or what

have you, with the Secretary of State's office, but they changed the name on the caller ID, would that be a violation?

Through you.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I think that the point is well made that there is some area within the bill left for interpretation about what is misleading. And I think that that's where the discretion of our Department of Consumer Protection and the courts would come in and weigh in on a case-by-case basis.

But I think that if the entity is not misleading about their identity, I think that they're taking appropriate steps to try to comply with the law.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker. I thank the gentleman for his answer.

I respectfully disagree that it should be left to

the interpretation of an agency or to the courts. You know, the way the wording of this bill appears to me is that no one shall intentionally transmit inaccurate or misleading information.

It would be misleading and it would be inaccurate to write, police department, or, police solicitors, or anything like that if, in fact, that was not the name of the company that was making the call on behalf of the police benevolent association.

I certainly understand the intent of the bill, but I think that we are opening up companies to, again further liability that an ambiguity in our law may have overlooked. And I would urge members to vote no.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Wood of the 141st.

REP. WOOD (141st):

Thank you, Mr. Speaker.

I too have some questions for the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, ma'am.

REP. WOOD (141st):

Question, Representative Taborsak. Is toll free and private caller, when that comes through on caller ID, is that considered misleading?

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

If the good lady could clarify, would that be the entire information that would be -- that a person would be reading? Could you clarify that?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

Yes, certainly. Thank you, Mr. Speaker.

Often we'll be at home, dinnertime. There's a call on caller ID. It says private caller. If we happen to pick up the phone -- which we often don't anymore, because I too, like many people feel totally harassed by these -- when it says private caller and it's a corporation calling to sell you something, is that misleading to have -- for them to be able to register as a private caller?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I do believe that that would be insufficient information to meet the language. I believe that the good lady said that if it said private caller.

But I believe that that company may have other problems with current law which makes it illegal to use any blocking device or service to circumvent a consumer's use of a caller identification device. I think that example that you made, which is a good example of what many of us experience, is already prohibited under current law.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

Thank you. So I'm sorry. I actually didn't hear. You said that is sufficient or it's not sufficient?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

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HOUSE OF REPRESENTATIVES

April 17, 2012

REP. TABORSAK (109th):

Through you, Mr. Speaker.

What I tried to say was that I believe that that example that you made would violate current law.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

And the same thing for -- so private caller and also toll-free caller would violate. So what this bill would do, would the corporation that's calling or the nonprofit that's calling, it would have to be identified specifically as the nonprofit?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

That's a good description. I think the good Representative is getting at the point that people deserve to know who is calling them, and that's what this gets at. And I appreciate the question.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

So just to be very clear, this bill would ensure that any company making a call like this, a unsolicited call would have to list itself as it's name and not be allowed to use toll-free caller or private caller? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I say again that I think part of that question should be prohibited by current law. Another part of that question would be prohibited by the bill before you.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

Thank you.

I'm feeling a little more relieved already that there's some remedy for this. Also -- and I'm sure this is contained in the bill, but just a general

question on this issue, because I think it is an issue that affects a lot of people and it's -- it is a violation of our privacy.

We're paying for these phone lines, yet we are getting a number of unsolicited phone calls despite having signed up for the no call list, as many of us have.

What is -- and again, I'm not sure this is germane to the bill, but just for general education -- what happens when a company violates this statute?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak, do you care to answer?

REP. TABORSAK (109th):

Yes. Through you, Mr. Speaker.

I just direct the good Representative to the penalties provision that I briefly described. It would be an unfair trade practice. There are avenues that a person could take in civil court, the Department of Consumer Protection and the attorney general could also take action against them.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Wood.

REP. WOOD (141st):

Thank you, Mr. Speaker. And thank you to the good Representatives for his answers.

And this bill, I do like this bill. I think it's -- it is violating -- I've already said that -- for these companies to be able to call at will even when we're not -- when we have registered ourselves on the no-call list. And I do stand in support of this.

I do wish it were easier to report these violators and for these violators to be fined.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Candelora of the 86th.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

Mr. Speaker, if I may, just a couple of questions to the proponent of the bill?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

We've had some discussion of the particular lines of 82 through 84. And my question is, if an

individual is making phone calls from a telephone, typically what ends up on someone's caller ID has to do with what the telephone service inputs onto that bill.

So for instance, if you're calling from a phone that's registered in the name of business X, then that name, business X, will come up on the caller ID. And so my question is, through you, Mr. Speaker, if an individual registers their phone and then begins making solicitation phone calls, would it be intentionally misleading if the name that's merely registered to the phone company is the name that transmits over the line?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I will try to address that question the best I can. If the information is misleading about the identity of the caller, I think it would be a violation of the Act.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I guess that's sort of my question, what I'm struggling with under this bill. Because I can see situations where, for instance --

Well, one other question is, through you, Mr. Speaker, do political activities fall under this bill? So phone calls made for political polling or for advocating for a candidate, would that fall under these provisions?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

It is my understanding that it does not.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And that, that's helpful to some of my concerns. Because I can see situations where, especially in a volunteer arena, individuals will begin making phone

calls, say, for the United Way or for the American Cancer Society, and they may be using their cell phone. And, as a result of them using their cell phone, their names are going to be what pops up on the caller ID, not the identifying name of that company.

And in those types of situations I don't think the intention of the caller is to mislead anybody. They're just voluntarily using that particular landline to perform a duty. In those type of circumstances would we envision a violation of intentionally misleading information to the caller?

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I think that, you know, we'd have to consider who the telephone solicitor is, if the person is working for a company. I think that it would be the diligent and conservative approach to make sure that information transmitted to that home identifies the name of that company so that it's clear to the person that they're being contacted by a telemarketer.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And I guess, though, because this bill is dealing with a CUTPA violation, and it speaks to the words of "intentionally transmitting an accurate or misleading information," that there would need to be some malice on the part of the person making the phone call to deceive, that inadvertent information or an inadvertent act wouldn't necessarily fall under these provisions.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

There is a -- I just direct the gentleman to section -- there is a defense to a violation of the Act for inadvertent mistakes, and I'm trying to find that place in the law.

Excuse me. Thank you, Mr. Speaker.

Through you, Mr. Speaker, Subsection G, I think, addresses the gentleman's questions, lines 113 through

122, particularly getting to inadvertent calls. There is a pretty well-crafted defense for solicitors who have inadvertently violated the Act.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker.

And as I see this provision, it contemplates written procedures to be put into place so that employees -- I guess it contemplates an employer -- an employee-employer relationship where the telephone solicitor is in the business of sort of making money off of the transaction; therefore, they would have these written procedures put in place. And I think, obviously, this defense is an important one, and I think it's good that we have it written in the statute.

I just think my general concern with this underlying bill is how it affects some of our nonprofits or volunteer organizations where we have volunteers potentially using their phones to make phone calls to solicit on behalf of those institutions.

I think, in those situations, there aren't going to be necessarily written procedures put in place with an employer-employee relationship which, as I read those lines in Sections 16 through 18, as part of the defense, there's this employee relationship where there is training and a written procedure. So I'm just concerned that this bill may be adversely affecting those circumstances where we have, again, the nonprofit agencies.

I think, from the plain language of the bill, I do see the language of intent and mislead, and we have a CUTPA violation. So I'm hopeful that, because we have those express type of words, that the intent of this bill would reach out and grab somebody who is actually trying to intentionally deceive somebody, in order to get them to answer the phone. But it wouldn't fall under these situations where somebody out of their own goodwill, is trying to make phone calls for a charitable cause. And so I guess that would just be my concern.

I wouldn't want to see individuals having to be on the defensive necessarily. I would hope that there would have to be some threshold of malice intent to be proven in order to be able to pursue charges against

these individuals. Because I think certainly in circumstances where we have these paid callers who are making a business of doing this, that it is quite annoying for individuals to receive these phone calls, but I wouldn't want to see us affecting the volunteers in our communities.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

Representative Hetherington of the 125th.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker.

If I may, a question or two to the proponent?

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you.

Through you, Mr. Speaker, the bill certainly is welcome in its intent. I wonder if any consideration has been given to what we do about those who call from out of state. I notice that a number of those calls that I receive do come from out of state, and I wonder how we can gain jurisdiction over those people and what our means of enforcement will be.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker.

I cannot speak to what the Attorney General, specifically, or the Department of Consumer Protection does in those situations. I appreciate the question.

Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Hetherington.

REP. HETHERINGTON (125th):

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

You know, I certainly favor this bill and will support it as I did in committee; however, I wish we did have a way clearly defined so that we could hold to account those who call us from remote areas of the country, if not the world, and seek to sell us this or that.

So you know, I think that's a problem that's going to remain with us, and maybe the Attorney General does have some ideas on that, and we'll have to see. But I would support this. It's certainly a

move in the right direction.

Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative.

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

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER RYAN:

Have all members voted? Have all members voted? Will the members please check the board to see if their vote is properly cast. If all members have voted, the machine will be locked and the Clerk will take a tally. The Clerk will please announce the tally.

THE CLERK:

House Bill 5089.

Total number voting	148
Necessary for adoption	75

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Those voting Yea	138
Those voting Nay	10
Those absent and not voting	3

DEPUTY SPEAKER RYAN:

The bill passes.

Will the Clerk please call Calendar Number 113.

THE CLERK:

On page 37, Calendar 113, Substitute for House Bill Number 5329, AN ACT CONCERNING THE USE OF TELEPHARMACY BY HOSPITALS, favorable report by the Committee on Public Health.

DEPUTY SPEAKER RYAN:

Once again, Representative Taborsak of the 109th.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER RYAN:

The question is acceptance of the Joint Committee's favorable report and passage of the bill.

Representative Taborsak, you have the floor.

REP. TABORSAK (109th):

Thank you, Mr. Speaker.

Mr. Speaker, House Bill 5329, AN ACT CONCERNING

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consent calendar thereafter.

First, Madam President, first item is calendar page 6, Calendar 364, House Bill 5089. Madam President, would move to place that item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Second item, calendar page 7, Calendar 378, House Bill 5554. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 8, Calendar 391, House Bill 5446. Madam President, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving to calendar page 9, Calendar 395, House Bill 5483. Move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Calendar page 10, Calendar

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On calendar page 28, Calendar 512, House Bill 5424. Madam President, move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And a final item is on calendar page 30, Calendar 522, House Bill 5289. Madam President, move to place this item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would -- would read the items on the consent calendar for a verification and then if we might move to a vote on the consent calendar.

THE CHAIR:

Mr. Clerk.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Thank you, sir.

THE CLERK:

On page 6, Calendar 364, House Bill 5089; page 7, Calendar 378, House Bill 5554; page 8, Calendar 391, House Bill 5446; page 9, Calendar 395, House Bill 5483.

On page 10, Calendar 402, House Bill 5299; page 12, Calendar 425, House Bill 5476.

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On page 13, Calendar 426, House Bill 5443; on page 14, Calendar 438, House Bill 5347; Page 14, Calendar 439, House Bill 5388; page 15, Calendar 441, House Bill 5501.

Also on page 15, Calendar 442, House Bill 5536; page 16, Calendar 445, House Bill 5145; page 16, Calendar 446, House Bill 5395; on page 16, Calendar 448, House Bill 5414; page 17, Calendar 451, House Bill 5548; page 18, Calendar 456, House Bill 5285.

Also on page 18, Calendar 458, House Bill 5031; on page 20, Calendar 468, House Bill 5217; page 21, Calendar 471, House Bill 5164; page 22, Calendar 476, House Bill 5263.

On page 23, Calendar 485, House Bill 5237. On page 25, Calendar 497, House Bill 5512; page 26, Calendar 502, House Bill 5497; page 26, Calendar 503, House Bill 5409.

On page 28, Calendar 512, House Bill 5424. And on page 30, Calendar 522, House Bill 5289.

THE CHAIR:

That seems correct.

Mr. Clerk, would you please call for a roll call vote on the consent calendar. (Inaudible.)

THE CLERK:

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

THE CHAIR:

Senator Gomes, would you like to vote, please. Thank you.

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

Mr. Clerk, would you please call a tally.

THE CLERK:

On today's consent calendar,

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Total Number Voting	35	
Necessary for passage	18	
Those Voting Yea	35	
Those Voting Nay	0	
Those Absent and Not Voting		1

THE CHAIR:

The consent calendar passes.

Are there any points of personal privilege or announcements? Are there any points of personal privilege or announcements?

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, Madam President, if there are no announcements or points of personal privilege, we will, of course, be in session tomorrow -- or actually it's later today but -- but not on Thursday. But --

THE CHAIR:

Okay. Promise?

SENATOR LOONEY:

-- we will -- we will convene later this morning. We will have a -- announce the Democratic caucus at eleven followed by session at noon today.

Thank you, Madam President.

With that, would move the Senate stand adjourned, subject to the call of the chair.

THE CHAIR:

So ordered, sir. Everybody drive safely.

On motion of Senator Looney of the 11th, the Senate, at 12:32 a.m. adjourned subject to the call of the chair.