

**PA 14-144**

HB5336

House	1473-1487	15
Senate	3453, 3474, 3480-3481	4
<u>General Law</u>	<u>539-542, 592-593, 722-726</u>	<u>11</u>

**30**

**H – 1185**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 5  
1361 – 1680**

hc/gbr  
HOUSE OF REPRESENTATIVES

224  
April 17, 2014

THE CLERK:

138, 0, 12.

DEPUTY SPEAKER RYAN:

Will the Clerk please announce the tally.

THE CLERK:

House Bill 5044, as amended by House A.

Total number voting 138

Necessary for passage 70

Those voting Yea 138

Those voting No 0

Absent and not voting 12

DEPUTY SPEAKER RYAN:

The bill is amended as passed. Will the Clerk  
please call Calendar Number 131.

THE CLERK:

House Calendar Number 131 on page 36 of today's  
journal. Favorable Report of the Joint Standing  
Committee on Judiciary House Bill 5336, AN ACT  
CONCERNING THE POSITION -- THE POSSESSION OF ALCOHOLIC  
LIQUOR BY MINORS.

DEPUTY SPEAKER RYAN:

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

REP. BARAM (15th):

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

DEPUTY SPEAKER RYAN:

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

REP. BARAM (15th):

Thank you, Mr. Speaker. This bill makes a technical correction to a statute often called the social host law. Under the current law, anyone who controls a dwelling must make sure that minors under the age of 21 do not possess alcohol.

The technical correction to this statute fixes the bill so that if someone finds out that minors, again defined under age 21, possess alcohol in a dwelling, the must make reasonable efforts to halt that possession.

This was promoted by the State's Attorney's Office to help with prosecution. The vote was unanimous in general law. It is effective upon passage and this will help the State's Attorney pursue such violators. I move passage of this bill.

hc/gbr  
HOUSE OF REPRESENTATIVES

226  
April 17, 2014

DEPUTY SPEAKER RYAN:

Thank you, sir. Will you remark further on the bill? Will you remark further on the bill?

Representative Carter of the 2nd. You have the floor, sir.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. One question through you to the proponent of the bill, please.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. CARTER (2nd):

Thank you. Through you, Mr. Speaker, I -- I happened to notice here that there's been a correct that you mentioned in the -- the fiscal note and I notice it says that there's a revenue loss of \$317,000. Isn't this supposed to help enforcement? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, that's correct. The State's Attorney has not been able to prosecute under subsection two of the statute because of the omission of the word knowing.

hc/gbr  
HOUSE OF REPRESENTATIVES

227  
April 17, 2014

So by including that and making the correction, they believe there will be more prosecutions, which will result in a revenue gain. Unfortunately, the Office of Fiscal Analysis, in my opinion, did not understand the intent of this correct.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. My thanks to the good Chair of the General Law Committee. That was my understanding of this bill as well. So with the fiscal note, I was a little surprised to see that it was still a loss.

The way I understand this bill, this is going to be a very good thing. In fact, it has passed the House before. It tightens it up, I think, because right now, you know, if somebody comes home, let's say a -- a parent comes home and there's a party going on, had the parent not come home, then they -- they could not have been charged.

But if they get there and they find something's going on and they let it continue, then we're -- we're able to charge that parent or any other adult who knowingly lets minors have alcohol. So I think this

hc/gbr  
HOUSE OF REPRESENTATIVES

228  
April 17, 2014

really tightens it up and it makes sense and it's a good bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, sir. Representative Miner of the 66th District.

REP. MINER (66th):

Thank you -- thank you, Mr. Speaker. I'm trying to remember the other day when we screened this bill and I think I had some questions relative to the knowing portion. And so, if I could, through you, a couple of questions to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Please proceed, sir.

REP. MINER (66th):

I got that, by the way. I see you smiling. Thank you, Mr. Speaker.

And so to the -- to the phrase knowing, in some parts of the State of Connecticut, there are some rather large parcels of property and I can only imagine that -- take for instance the Waterbury Water Company, at what point is it -- is it determined that someone knew or knows -- if someone were to call the city of Waterbury, and they knew there were a group of individuals along the side of the road, down the

hc/gbr  
HOUSE OF REPRESENTATIVES

229  
April 17, 2014

street from my house, and they were obviously drinking, would that constitute knowing, and would the city of Waterbury have some obligation to come up and stop that? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, the statute requires somebody who has control over the dwelling or premises to make reasonable efforts to halt such possession. So if it was a drive-by and the person saw people drinking, you'd like to think they would call the police.

But the bill really address the person who controls the dwelling, whether it be an owner or a tenant.

DEPUTY SPEAKER RYAN:

Representative Miner.

REP. MINER (66th):

So understanding that it's -- that it's the owner or controller, under my hypothetical, if I were to make the phone call to the city of Waterbury Water Company and explain that I witnessed such an incident,

hc/gbr  
HOUSE OF REPRESENTATIVES

230  
April 17, 2014

would they have an obligation to stop that from happening, through you?

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Thank you. Through you, Mr. Speaker, again, the bill addresses the obligation of the person who controls or owns the dwelling or property. I would hope that the police would take action, but this bill does not address the obligation of the police.

I think the obligation of the controller of the property would be fulfilled by calling the police. To me, that would be a reasonable effort to halt possession.

DEPUTY SPEAKER RYAN:

Representative Miner.

REP. MINER (66th):

And -- and so the same kind of hypothetical. If it was a single owner, single family owner, and they owned a parcel of farmland and it was 200 acres and someone called them to tell them that they thought there was underage drinking going on half a mile down the road, under this language as it's proposed, that

hc/gbr  
HOUSE OF REPRESENTATIVES

231  
April 17, 2014

property owner would then have an obligation to do what, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if a property owner was advised that a party was taking place, my guess is they would have some obligation to determine whether that was actually happening and then to report it. But again, you're -- you're hypothetical.

You're talking about a large area of land. I don't think anybody is expecting a property owner to hike all around acres of land to try and find somebody. It's really something that is to their knowledge, visible, and in plain sight.

DEPUTY SPEAKER RYAN:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And I think the gentleman for his answer. I'm not an attorney, but my read of this bill is that if somebody put that property owner on notice that they thought there was an underage party going on on a 200-acre parcel of property, just because they didn't get out and walk

hc/gbr  
HOUSE OF REPRESENTATIVES

\ 232  
April 17, 2014

around and find out whether or not in fact was going on, I don't think relieves them of this statute.

I'm not saying it's a bad idea. I'm trying to point out that this is far broader, I think, than whether I allow a couple of kids to pitch a tent in my backyard and have a beer. I think -- I think the intent of the language is good.

I think it intends to try and tighten up what I think people have found to be a circumstance where they've been able to skirt the law. But the way it's drafted, I think it doesn't relieve the city of Waterbury from actually either calling the police and sending somebody out and it certainly wouldn't -- I don't think it would relieve my constituents of either taking the same action. And then, I'm not sure how you could prove you called.

Again, I -- I support the intent of the law, but I think I raised the same questions at the time we talked about it, because I'm not sure it actually addresses my concern. And my concern is if -- if somebody left a message on an answering machine at their home, does that mean that they were notified that it was going on?

hc/gbr  
HOUSE OF REPRESENTATIVES

233  
April 17, 2014

If someone had the communication with them? I certainly wouldn't want one of my constituents having to, you know, go down the street and confront a bunch of individuals. I guess you could pick up the phone and call the state police.

Once again, I think the intent is good, but it -- it leaves a few questions for me. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill before us? Will you remark further? If not -- oh, Representative Carter of the 2nd.

REP. CARTER (2nd):

Thank you, Mr. Speaker. For the second time, one question through you to the proponent of the bill.

DEPUTY SPEAKER RYAN:

Representative Carter from the 2nd for the second time. Please proceed, sir.

REP. CARTER (2nd):

Sorry, ladies and gentlemen. I'm sorry I'm up the second time, but one question came up and I just want to make sure we establish something for legislative intent.

hc/gbr  
HOUSE OF REPRESENTATIVES

234  
April 17, 2014

Through you, Mr. Speaker, to the good Chairman of General Law, will this in any way affect the rights of parents with their individual child at home if they want to give their child a glass of wine or something like this? Will this affect them, through you, Mr. Speaker?

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, I do not think that's the intent of the law.

DEPUTY SPEAKER RYAN:

Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I'm very satisfied.

DEPUTY SPEAKER RYAN:

Thank you, sir. Representative Noujaim of the 74th. Sir, you have the floor.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon to you, sir.

DEPUTY SPEAKER RYAN:

Good afternoon, Representative.

hc/gbr  
HOUSE OF REPRESENTATIVES

235  
April 17, 2014

REP. NOUJAIM (74th):

Mr. Speaker, there are 169 towns in the State of Connecticut, but yet Representative Miner did not pick any of them except my grand city of Waterbury. You know, he made us look like drunks in our city of Waterbury and that's not what we are. Trust me.

Mr. Speaker, through you, I do have a -- just one quick question, and basically, to -- to the proponent. If I am a homeowner and I was away and something happened on my property, and this happens all the time, where the homeowner's away, the kids do this, and -- and they get in trouble.

Is that homeowner, according to this language, going to be liable? Through you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker, if the homeowner had no prior knowledge and recklessly did not allow the minors to enter the property while they were away, I do not believe there would be any liability. This -- this statute is intended only in the case a controller of premises gives permission or allows a party to take place with minors having alcohol.

But if there's no knowledge and it takes place while they're away, other than, you know, some reckless act on their part that would permit such a party, I don't think there's any liability.

DEPUTY SPEAKER RYAN:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. And I am truly appreciative for the clarification. It is very important for legislative intent to clarify it so that we know if something happens in the future on who is liable and who's not liable because the language somehow is not as clear in the statute as I would like it to be. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

Thank you, Representative. Will you remark further on the bill? Will you remark further on the bill? If not, will staff and guests please -- Representative Nicastro of the 79th District. Sir.

REP. NICASTRO (79th):

I thought I wasn't going to be able to. Mr. Speaker, I just want to say I stand in very strong support of this bill. We got tough, but we made it

hc/gbr  
HOUSE OF REPRESENTATIVES

237  
April 17, 2014

work better. I think two things you have to understand, that we knew this change had to be made.

This bill passed Judiciary 40 to nothing; it passed General Law 17 to nothing. It's a good bill, it tightens it up, but it also makes proper changes that are long overdue. Thank you, Mr. Speaker.

DEPUTY SPEAKER RYAN:

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

I'm just being told that when people come in to vote, if they would remain in the Chamber. We only have two bills left to do. If we do them quickly, we can then go home.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER RYAN:

Again, we're asking people to stay in the Chamber so we can do the final two bills and get done without having to wait long periods for the vote.

hc/gbr  
HOUSE OF REPRESENTATIVES

238  
April 17, 2014

Have all the members voted? Have all the members  
voted?

Members, please check the board to make sure your  
vote is properly cast.

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

THE CLERK:

139, 0, 11.

DEPUTY SPEAKER RYAN:

The Clerk please announce the tally.

THE CLERK:

House Bill 5336.

Total number voting	139
---------------------	-----

Necessary for passage	70
-----------------------	----

Those voting Yea	139
------------------	-----

Those voting Nay	0
------------------	---

Absent and not voting	11
-----------------------	----

DEPUTY SPEAKER RYAN:

The bill passes. Will the Clerk please call  
Calendar 243.

THE CLERK:

On page 14, Calendar 243. House Calendar --  
Favorable Report of the Joint Standing Committee on

**S - 679  
CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2014**

**VETO  
SESSION**

**VOL. 57  
PART 11  
3246 – 3508**

pat/gbr  
SENATE

268  
May 7, 2014

SENATOR LOONEY:

Thank you, Mr. President. Moving now to Calendar Page 7, Calendar 345, House Bill 5443, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 9, Calendar 417, House Bill 5410, move to place on the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 10 where there are three items. The first, Calendar 420, House Bill 5258, move to place on the Consent Calendar.

THE CHAIR:

(The President in the Chair.)

So ordered, sir.

THE CHAIR:

Oh, thank you, Madam President. Madam President, Calendar Page 10, Calendar 421, Calendar 5263 move to place on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

pat/gbr  
SENATE

289  
May 7, 2014

Calendar 334, House Bill 5339.  
Calendar 336, House Bill 5056.  
On Page 7, Calendar 345, House Bill 5443.  
On Page 9, Calendar 417, House Bill 5410.  
On Page 10, Calendar 420, House Bill 5258.  
Calendar 421, House Bill 5263.  
Calendar 424, House Bill 5439.  
On Page 11, Calendar 429, House Bill 5581.  
On Page 12, Calendar 445, House Bill 5418.  
Calendar 438, House Bill 5336.  
On Page 13, Calendar 453, House Bill 5133.  
Calendar 446, House Bill 5150.  
Calendar 452, House Bill 5531.  
On Page 14, Calendar 457, House Bill 5516.  
Calendar 455, House Bill 5325.  
Calendar 456, House Bill 5440.  
Calendar 459, House Bill 5321.  
Calendar 461, House Bill 5140.  
On Page 15, Calendar 468, House Bill 5450.  
Calendar 465, House Bill 5341.  
On Page 16, Calendar 474, House Bill 5337.  
Calendar 469, 5538.  
Calendar 473, House Bill 5328.  
On Page 17, Calendar 496, House Bill 5115.

pat/gbr  
SENATE

295  
May 7, 2014

SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

pat/gbr  
SENATE

296  
May 7, 2014

An immediate Roll Call on Consent Calendar Number 2 has been ordered in the Senate.

THE CHAIR:

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk will you please call the tally.

THE CLERK:

Consent Calendar Number 2.

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 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**GENERAL  
LAW  
PART 2  
506 – 1173**

**2014**

SENATOR DOYLE: Thank you.

Any further questions from the committee?

Thank you very much, gentlemen. Have a good afternoon.

Next speaker from the public officials is Kevin Kane from Chief States Attorney office. Then we -- I see we'll be going -- alternating with the public, but the next public official after that is Victoria Veltri and Representative Laura Hoydick. But we will have to intersperse public officials.

But Attorney Kane is up right now.

CHIEF STATES ATTORNEY KEVIN KANE: Thank you, Senator Doyle, and members of the committee.

I'm here to testify very briefly on -- in support of one bill, 5336. That's a bill to make what really is a technical amendment to one of the subsections of 30-89, which is the statute that makes it a misdemeanor for two -- essentially two types of closely related, but slightly different types of conduct.

Subsection 1 of that bill is written fine and that makes it a misdemeanor for anyone to commit any minor -- for a property owner to permit a minor to possess alcohol -- alcohol or liquor in violation in Subsection b of 30-89 on -- on the property.

Subsection 2 was intended to make it a misdemeanor for somebody who -- to -- to fail to halt such possession even though if he doesn't initially permit it or even if it -- he doesn't permit it, if he or she, the property owner, becomes aware that such conduct is going on. This section is intended to make it a

misdemeanor for failure to take reasonable efforts to halt such possession.

It was logical. The problem is a couple or a few words were missing from that subsection which would make it enforceable. For these subsections have to be able to read separately, the defendant is charged with an offense as titled -- is entitled to know what conduct that it is -- it is he's being charged with, and we have to try -- if we're going to charge Subsection 2 failing to -- to halt such activity, we can't do it as written.

The words that we suggest and be added would permit us to do it.

REP. BARAM: Thank you.

Any questions?

Representative Carter..

REP. CARTER: And thank you very much for being here today.

Just to make sure I understand, is this the same bill that came through and passed --

CHIEF STATES ATTORNEY KEVIN KANE: Yes.

REP. CARTER: -- here and didn't make it through? What point did it get stopped?

CHIEF STATES ATTORNEY KEVIN KANE: (Inaudible) I don't know whether it got stopped here or not. I don't remember. There was some confusion over -- over it was intended, what -- what it was intended to do. I don't remember whether there was a misunderstanding in the language.

And it's easy. You might think that failing to

halt something, failing to stop something is the same as permitting it. And a lot of circumstances it may be. If you're in your home and you're aware that kids have come into your basement and they're drinking liquor and you don't do anything and -- and to stop it, even though you didn't -- didn't allow it, you can make an argument that -- that you're in effect permitting it by failing to stop it.

But there are circumstances where the -- the -- that dichotomy might not be so clear. And this just makes it -- adding this language really would -- would make us able to do what it appeared the Legislature wanted us to do in the first place.

REP. CARTER: My understanding, too, this -- this also needs to be in place. Let's say I come home to my house and there's a raging party going on. I didn't permit it, but now I know about it and I have to stop it.

CHIEF STATES ATTORNEY KEVIN KANE: Right.

REP. CARTER: Before it was very unclear whether you could enforce that or not on the if I came home again and there's a party, if I -- if I -- did I ever permitted in the first place and it happened. So now this will clean that up where you can go after somebody for not stopping the consumption.

CHIEF STATES ATTORNEY KEVIN KANE: It would, yes. And even more, a property owner, say, who rents out an apartment to a -- some young kids and it's separate from where he or she lives and gets a call from a neighbor saying there's -- there's a bunch of -- there's a whole a bunch of 19-year-olds, they're having a keg party. The property owner's aware of it. This would make it a crime if he didn't take reasonable

33  
dr/gbr GENERAL LAW COMMITTEE

March 6, 2014  
1:00 P.M.

steps to cease the conduct. And it's a question of what's reasonable (inaudible).

REP. CARTER: Thank you very much.

REP. BARAM: Any other questions?

Thank you very much. I know that I was one of the people who had questions with the language last year because it -- it didn't flow or make much sense. But I -- I think has been cleaned up and makes a lot of --

CHIEF STATES ATTORNEY KEVIN KANE: Probably asked me when I was busy on something else, and I -- I -- and I couldn't think straight to explain it to you and -- and that's maybe what happened.

REP. BARAM: Well, (inaudible).

Okay. Thank you.

Next is Victoria Veltri.

VICTORIA VELTRI: Good afternoon, Representative Baram, Senator Doyle, Senator Witkos, Representative Carter, members of the General Law Committee.

I'm Vicki Veltri. I'm the state healthcare advocate, and I am to testify on H.B. 5337, in short on facilities fees and their notification bill. We do support the bill. I don't want to -- I don't want to rehash everything you've already asked the AG and the efforts to all the people here waiting to testify, but I would just highlight a little bit of what's been going on from our perspective.

We started seeing this problem a while back, even a few years ago this was going on and it just started kind of coming to a head a little

that they've used is wrong and we'd be happy to work with -- with whoever it is to -- to develop a tool that's effective.

REP. ESPOSITO: Well, can I have somewhat of a commitment from you now that you would work with myself and Senator Slossberg to try to draught something either within the confines of 301 or maybe under the public nuisance statutes that -- that you could advise us on to say this -- this would work and -- and in conjunction with -- with -- our -- our current liquor statutes?

COMMISSIONER WILLIAM RUBENSTEIN: Sure -- sure, and I've offered that precise opportunity in my testimony. I'd be happy to work with -- with you and all interested parties, and -- and I suggested a couple of -- of things that I think would -- would be a better solution than S.B. 301.

SENATOR DOYLE: Thank you.

Any further questions?

Thank you very much, Commissioner.

COMMISSIONER WILLIAM RUBENSTEIN: Thank you.

SENATOR DOYLE: Next speaker is Peter Berdon.

Then it's Representative Mike Alberts.

PETER BERDON: Absolutely. That's why I just emptied out the room to make (inaudible) the rest of your hearing, Representative Rutigliano.

SB297 SB298  
SB301 HB5336  
HB5429 HB5430

Senator Doyle, Representative Baram, and rest of the General Law Committee. My name is Peter Berdon. I am the executive director of the

Wine and Spirits Wholesalers of Connecticut, and I am here to provide testimony to you on several bills.

We've provided written testimony on all of them. I'm not going to address all of these bills in my verbal comments, but we are here to testify relative to Senate Bill 297, AN ACT ESTABLISHING AN OFF-SITE FARM WINERY SALES AND TASTINGS PERMIT; Senate Bill 298, AN ACT CONCERNING THE EXTENSION OF CREDIT TO ALCOHOLIC LIQUOR RETAILERS FROM MANUFACTURERS AND WHOLESALERS; Senate Bill 301, AN ACT CONCERNING SUSPENSION OF ALCOHOLIC LIQUOR PERMITS BY MUNICIPAL LAW ENFORCEMENT OFFICIALS.

And I don't think I -- I would ever be saying this, but I did agree with Attorney Silver wholeheartedly in terms of his testimony. And also Commissioner Rubenstein, his testimony, I thought, was very coherent so I don't even need to say anything further in connection with that.

House Bill 5 -- 5336, AN ACT CONCERNING THE POSSESSION OF ALCOHOL -- ALCOHOLIC LIQUOR BY MINORS. Just very quickly, I would echo the comments of the States Attorney, Attorney Kane, with respect to that. It is a much-needed change in this bill. There's really no reason there should be any controversy.

I would respect to that we see this as a valuable tool to help ensure that minors are not consuming alcohol in house parties. And we wholeheartedly encourage you to adopt that bill and move it forward through the process.

5429, AN ACT ESTABLISHING A CRAFT DISTILLER PERMIT, and then finally 5430, AN ACT PERMITTING RESTAURANT AND CAFÉ PERMIT HOLDERS TO SELL GROWLERS OF BEER AT RETAIL.



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

IN SUPPORT OF:

**H.B. NO. 5336: AN ACT CONCERNING THE POSSESSION  
OF ALCOHOLIC LIQUOR BY MINORS**

JOINT COMMITTEE ON GENERAL LAW  
March 6, 2014

The Division of Criminal Justice respectfully requests and recommends the Committee's Joint Favorable Report for H.B. No. 5336, An Act Concerning the Possession of Alcoholic Liquor by Minors. This bill is exactly what is stated in the statement of purpose: a purely technical correction to Section 30-89a of the General Statutes.

Subsection (2) of Section 30-89a is not enforceable because it does not make sense, obviously as the result of an unintentional drafting error during the course of the enactment of Public Act 12-199.

As stated in our testimony on the same legislation in the 2013 Session (H.B. No. 6408), the problem with 30-89a is best illustrated by reading the two subsections of 30-89a separate from each other since both subsections and must stand alone when the law is applied.

In doing so, 30-89a (a) (1) would read as follows:

*No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (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[.]*

The first subsection is clear as to the conduct it addresses. This is not the case, however, if you take 30-89a (a) (2) and combine it with the relevant introductory language carried over from subsection (a). Following is the result of reading the second subsection on its own:

*No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall fail to make reasonable efforts to halt such possession.*

It makes no sense and obviously cannot be applied as was intended with the passage of P.A. 12-199. H.B. No. 5336 adds the obviously omitted language so that Section 39-89a (a) (2) reads as follows:

*No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall ... knowing that any minor possesses 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.*

This is what was intended with the passage of P.A. 12-199 – to strengthen the state's "social host" law and give the authorities another tool to combat underage drinking. H.B. No. 5336 reaffirms the intention of P.A. 12-199 by correcting what was obviously an error in the drafting of the act. We would respectfully urge the Committee's JOINT FAVORABLE REPORT.

In conclusion, the Division of Criminal Justice expresses its appreciation to the Committee for its consideration of this legislation. We would be happy to provide any additional information you might require or answer any questions you might have. Thank you.



WINE AND SPIRITS WHOLESALERS OF CONNECTICUT, INC.

PETER A. BERDON  
EXECUTIVE DIRECTOR  
GENERAL COUNSEL

March 6, 2014

TESTIMONY OF  
WINE AND SPIRITS WHOLESALERS OF CONNECTICUT

In support of:

**H.B. No. 5336 (RAISED) AN ACT CONCERNING THE POSSESSION OF ALCOHOLIC LIQUOR BY MINORS.**

The WSWC supports the clarification provided 5336 of "Connecticut's House Party Law", CGS 30-89a. In 2012, when the house party bill was enacted and criminalized the hosting of house parties (drinking by minors in the home without the parents' permission), there was an apparent error in drafting. Prior the enactment of that legislation a person could violate the law by either knowingly permitting minor to drink in their home or failing to halt the consumption once discovered. In 2012, the element of knowledge was removed from the second mode of implication. This bill correctly seeks to restore the knowledge element. This only makes sense as how could one halt drink that one does not know of. The WSWC strongly encourages the adoption of this reform so that it is crystal clear that adults who know of drinking in their home by minor must action to stop that drinking.

**Who are the WSWC Members?** The Connecticut's alcohol beverage wholesalers, such as the members of the Wine and Spirits Wholesalers of Connecticut, are a key link in the 3-Tier System which controls the distribution of beverage alcohol in this country. They purchase beverage alcohol from suppliers and manufacturers and then market and sell those products to licensed retailers – restaurants and package stores. Connecticut Wholesalers:

- are licensed and regulated by the state of Connecticut and the federal government;
- are responsible to insure that the wines, beers and spirits brought in to the state by manufacturers and importers are sold and distributed only to licensed retailers (package stores and restaurants);
- pay to the state in excess of \$60 M in state excise taxes;
- assist the Department of Revenue Services in the collection of Sales and Use Taxes, in excess of \$150M annually;
- provide in excess of 2,400 direct jobs to Connecticut residents; and

over

132 TEMPLE STREET • NEW HAVEN, CT 06510

Telephone (203) 624-9900 Fax (203) 624-9870 [www.wsvc.org](http://www.wsvc.org) [www.talktomenow.org](http://www.talktomenow.org)

Page 2 of 2  
Testimony of WSWC  
March 6, 2014  
HB 5338

- contribute in excess of \$275 M in direct and in direct benefits to the state's economy.

The members of the WSWC are committed to ensuring that the best possible safeguards to prevent the sale of beverage alcohol to minors are in place and adults of legal drinking age consume beverage alcohol responsibly, while at the same time providing an efficient method of distribution which provides access to a wide variety of quality wine and spirits from all over the world.

CHILDREN AND MINORS—ALCOHOLIC..., 2012 Conn. Legis...

2012 Conn. Legis. Serv. P.A. 12-199 (H.B. 5360) (WEST)

CONNECTICUT 2012 LEGISLATIVE SERVICE

2012 February Regular Session of the General Assembly

Additions are indicated by Text; deletions by

Text .

Vetoes are indicated by ~~Text~~ ;

stricken material by Text .

P.A. No. 12-199

H.B. No. 5360

CHILDREN AND MINORS—ALCOHOLIC BEVERAGES—HOUSING

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):

<< CT ST § 30-89a >>

(a) No person having possession of, or exercising dominion and control over, any dwelling unit or private property shall (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 that any minor possesses 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.

(b) Any person who violates the provisions of subsection (a) of this section shall, ~~for a first offense, have committed an infraction and, for any subsequent offense, be fined not more than five hundred dollars or imprisoned not more than one year, or both~~ be guilty of a class A misdemeanor.

Approved June 15, 2012.

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works