

**PA12-015**

SB0071

|        |                  |           |
|--------|------------------|-----------|
| House  | 3637-3678        | 42        |
| Senate | 865-869, 924-925 | <u>7</u>  |
|        |                  | <b>49</b> |

**H – 1133**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2012**

**VOL.55  
PART 11  
3438 – 3771**

THE CLERK:

House Bill 5037 as amended by House "A".

|                             |     |
|-----------------------------|-----|
| Total number voting         | 145 |
| Necessary for adoption      | 73  |
| Those voting Yea            | 145 |
| Those voting Nay            | 0   |
| Those absent and not voting | 6   |

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed.

Mr. Clerk, kindly call Calendar 317.

THE CLERK:

On Page 18, Calendar 317, Senate Bill Number 71,

AN ACT EXPANDING THE ONE FREE ITEM RETAIL SALES LAW.

Favorable report on the Committee on General Law.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the General Law  
Committee, Representative Taborsak of Danbury.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. Mr. Speaker I move  
acceptance of the joint committee's favorable report  
and passage of the Bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. Mr. Speaker, Senate Bill 71 amends and expands what's commonly referred to as our one free item law or our get one free law. Under currently law, Mr. Speaker, the law allows for consumers to receive one free item if that is scanned and the price that comes up on the scanner, at generally the supermarket, is higher than the posted price. The law allows for one free item in that instance up to a total of \$20.00. The proposed Bill does not apply to stores less than 10,000 square feet as with current law. It's a good Bill for consumers, Mr. Speaker. Mr. Speaker, the Clerk is in possession of an amendment, LCO 3157. I'd ask that the Clerk call that amendment and I be granted leave of chamber to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO Number 3157, previously designated as Senate Amendment Schedule "A". Will the Clerk please call.

THE CLERK:

LCO 3157, Senate "A", offered by Senator Williams, et al.

DEPUTY SPEAKER GODFREY:

The gentleman has asked to leave the chamber to

summarize. Is there objection? Hearing none.

REP. TABORSAK (109th):

Through you, Mr. Speaker. Mr. Speaker, the amendment just makes a technical change and a clarification in lines 24 and 28 by striking the language, "one item of" so that that issue is clarified. The amendment improves the Bill, Mr. Speaker. I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark on Senate Amendment Schedule "A"?

Representative Rebimbas is the Ranking Member of the General Law Committee.

REP. REBIMBAS (15th):

Good afternoon, Mr. Speaker and thank you.

DEPUTY SPEAKER GODFREY:

Good afternoon, ma'am.

REP. REBIMBAS (15th):

For clarification purposes in the amendment, through you, Mr. Speaker. Through you, Mr. Speaker to the Chairman of the General Law Committee, it's my understanding -- you indicated that this makes the Bill better and for clarification when we talk about one item of, would that -- for example if I were to

buy -- go to the grocery store and buy five apples, are you indicating that therefore it the items that were weighed and scanned, if there's a bar code, but certainly weighed and charged, if I was charged more than the posted price, are we clarifying that I would get all five apples free and not just the one apple out of the bunch? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak, do you care to respond?

REP. TABORSAK (109th):

Through you, Mr. Speaker and I thank the good Representative for the question that is exactly why we've offered this language in this amendment. Because we're dealing with we're expanding the one free item law to include produce, that because of the nature that produce is purchased and weighed, we had to clarify that if a person bought say a bundle of apples, they would be entitled to essentially what they purchased -- again, subject to that that \$20.00 limit. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you, Mr. Speaker. And, Mr. Speaker, I do

stand in support of the amendment. I think it does clarify some of the questions that many of our Committee members had during our discussions of this. One of the examples that was provided is if someone actually bought a bunch of bananas whether or not one single banana would have to be ripped from the bunch and they would only be entitled to the one. So, I do believe that this amendment does properly clarify that that is not the intent. The intent is the actual bunch of items that the person is doing a purchase. So, I'll certainly reserve my comments on the underlying Bill for a later time, but I do stand in support of the amendment that I do believe it does clarify that point. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on Senate Amendment Schedule "A"? Will you remark further on Senate Amendment Schedule "A"?

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

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed Nay.

The Ayes have it. The amendment is adopted.

Will you remark on the Bill as amended?

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you again, Mr. Speaker. Through you, Mr. Speaker, to the Chairman of the General Law Committee. My question was actually during his testimony of the amendment he had made a reference to items of not more than \$20.00. If the Chairman can clarify what that means. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, current law has this limit of a \$20.00 value on the value of the free item and the General Law Committee carried over that cap so that if a person were to purchase say, let's say it was a very large purchase, we'll say 50 apples, it would be limited to a value of \$20.00 on the item that they would getting for free or items. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.



REP. REBIMBAS (15th):

Thank you, Mr. Speaker. And, through you, Mr. Speaker, regarding the value of the \$20.00 cap in that regard, would that be prior to any taxes? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I don't know the answer to that question. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you, Mr. Speaker and I certainly do appreciate that. I think that would be important to know moving forward. I would assume it would mirror the existing law that's out there for the other items but for the ones that actually have bar codes. So, I think moving forward it probably would be a good clarification to know as people are trying to determine whether or not this is something that they want to support. But, again, it has been clarified that this does mirror the existing law. We are simply just expanding it to those items that may not have a

bar code such as a vegetable and fruits, things that need to be weighed. Through you, Mr. Speaker, just another further clarification. If I have two bundles of bananas, let's say for example, so I have two bunches of bananas, if one of the bunches goes through and it is scanned and it's determined that I'm being charged more than the posted price, do I automatically get the second bunch of bananas free as a result of the first mistake or only the item that was actually scanned? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, in that instance, I believe you would get the item -- an item of equal value how that would be interpreted by the store, I'm not certain, but whether it would be an item of equal value or the actual bunch, I'm not certain that the law is abundantly clear on that. But, the importance is that they would get the value of that item for free. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you, Mr. Speaker. And, maybe my example wasn't a very clear one. I just want to make sure if I'm in line at a grocery store, and now that we're expanding this to items that are weighed, I have two separate banana bunches and maybe what I'll do is I'll rephrase it and use it as an apples example as opposed to bananas and bunches. But, I have two -- let's say that I saw it posted that it said five apples for a dollar, for example. So, I have in a plastic bag, bunches of five apples and in a separate bag, I have another bunch of five apples. As we're going through the cash register the woman or man that's at the cash register, rings up the first five bundles and I notice looking at the machinery that what's posted is higher than what I had previously saw earlier. Would that second bundle of apples, would I automatically get those two bundles free and clearly understanding that that would fall under the \$20.00 value and it is in a grocery store of 10,000 square feet or more. Would I automatically get the second one free but because I noticed it on the first bundle and they didn't get to run the second bundle yet, would I only get the one bundle? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, my understanding -- my limited understanding, is that you would only get one bundle for free. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you, Mr. Speaker. And, just one further clarification, through you, Mr. Speaker, regarding the requisite of it has to be a place of 10,000 square feet or more. So, again, just clarifying, this would not apply to farmer's markets, this would not apply for convenience stores that are less than 10,000 square feet, none of this new proposed Bill that we have in front of us would apply to those smaller than 10,000 square feet? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, that is my understanding.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (15th):

Thank you, Mr. Speaker. And, I want to thank the Chairman of the General Law Committee for all of his clarifications and responses. I do know that in conversation with a variety of my colleagues, certainly one of the questions that kept coming back is why are we doing this? I understand that certainly it's something that is peculiar that's in legislation but, what we're doing is we're expanding existing law. We're not creating a completely new law. This was something because these items did not have a bar code, the legislation did not necessarily cover that and people are certainly going through these grocery stores and facing the same dilemmas as other items that have a bar code. So, it's just treating all of the items equally. Certainly, I do believe it's very pro-consumer in the sense of making the institutions be a little bit more careful that what they post the prices at and what they're charging their customers, are reflective of one another, because for a lot of consumers who simply go to the grocery stores and are maybe in a rush and not necessarily paying attention, it would be completely unfair that they're walking out of these places and being charged more. So, it does

put a little bit of a burden on the person who's selling it to make sure that everything is properly priced and I do believe it's not an undue burden to the smaller, farmer's markets and smaller stores of 10,000 square feet. So, again, we are expanding existing law. Do I wish we were doing other legislation other than this, certainly, but it's one that I think is protecting more consumers and just putting all of the items on an even playing field. So, I do stand in support of this amendment and also the underlying Bill. So, thank you, Mr. Speaker for the opportunity.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Gentleman from the 135th, Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Chairman. If I may, a few questions to the proponent.

DEPUTY SPEAKER GODFREY:

Mr. Speaker.

REP. SHABAN (135th):

And, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

That's okay. Go right ahead, sir.

REP. SHABAN (135th):

Good morning, good afternoon, I appreciate it.  
Through you, Mr. Speaker, if I may.

DEPUTY SPEAKER GODFREY:

Of course.

REP. SHABAN (135th):

I'm looking at the underlying Bill. I'm really trying to figure out -- I mean I understand what my colleague just said, and we're kind of adding on to existing law. I'm trying to figure out what the existing law is and why we have it. So, through you, to your knowledge whether public hearing or otherwise, has this existing law ever been acted on? Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

I'm sorry, could the gentleman clarify the question, I didn't understand acted on.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Yep, fair enough. If I go into a store and I put down a snickers bar and I get charged too much and

it's subject to this rule, what do I do if anything?

Through you.

REP. TABORSAK (109th):

Through you, Mr. Speaker, the consumer would bring it to the stores attention and my understanding is that many consumers are aware of this and take advantage of it and benefit from it and that it does in fact happen frequently. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All right. And, through you, if the store says too bad or what the heck, what's the recourse -- and, I'm not trying to be a wise guy, I'm only trying to figure this out -- what's the recourse to the consumer? Do they go to the Department of Consumer Protection, do they file a law suit? How do they get redress? Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, it's a complaint driven process. The consumer would make a complaint to the Department of Consumer Protection and the Department



would then determine whether or not there were grounds for a hearing and penalties. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All right. So, if that complaint driven process -- how does the consumer get their money back? Does it come through the Department of Consumer Protection or does the Department of Consumer Protection tell the retailer to give them their money back? Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I think the gentleman is asking whether or not -- strike that. Through you, Mr. Speaker, the proposed Bill before us provides that the Commissioner could issue a warning citation against that individual business, could impose fines of \$100 for the first offense and not more than \$500 for each subsequent offense. That is my understanding of the penalties for a violation of the proposed Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker. Yeah, I just -- as you were saying it, I think I found the same section, section D saying what the Commissioner could do to the retailer. I guess my question is -- and if you know, through you, Mr. Speaker, how does the consumer get their money back? Is the money routed through the Department of Consumer Protection or is the retailer required to hand them the money right there upon demand. Through you.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I'm not aware of whether or not the Commissioner can enforce some form of restitution under these situations but, my understanding is most stores that I've ever heard of honor the current law. So, I don't think that it's a wide spread problem. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Shaban.

REP. SHABAN (135th):

All right. But, thank the gentleman for his

responses. We pass a lot of important and weighty legislation here and then there's some stuff that kind of hits the outer fringes here and I'm just trying to figure out where in the spectrum this fits, but I thank the gentleman for his time.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Distinguished gentle woman from Hartford,  
Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

Thank you, Mr. Speaker. I have a question for the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Proceed, ma'am.

REP. KIRKLEY-BEY (5th):

Are you speaking about only items in the store that do not have bar codes on them or are we speaking about anything?

DEPUTY SPEAKER GODFREY:

Representative --

REP. KIRKLEY-BEY (5th):

If we offered one free type of an offer.

REP. TABORSAK (109th):

Through you, Mr. Speaker, to the good

Representative, current law deals with items that have electronic pricing already. So, those items that have bar codes as we all think of them, items that get scanned in that fashion are covered under existing law. So, what this Bill before you does is it expands to items that do not have similar electronic pricing; items that need to be weighed, fruits and vegetables, those sorts of items. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Kirkley-Bey.

REP. KIRKLEY-BEY (5th):

I was wondering why in the presentation of the debate between you and Representative Rebimbas, you kept talking about items in the grocery store because I mean I was doing two for one on vitamins and different things and they worked out okay, but they had bar codes. But, I just want to let you know about an experience I had the other day. I bought some milk. I sent my grandson to buy some milk and I opened it up and I took a sip and it was sour. Needless to say, I spit it out and told him to take it back to the store and the lady said I could not return it because I had opened it. And, I said, how was I supposed to know it was sour unless I tasted it or

smelled it and she told my grandson she didn't know but she wasn't taking it back. So, I usually would have had a fit and went up there, but I just poured it down the sink.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Kirkley-Bey.

Representative Bacchiochi of the 52nd.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker. As the only dissenting vote in General Law on this issue, I wanted to make sure that I clearly understood this time. Through you, Mr. Speaker, to the Chair, this would only apply to when a scanner is used, not if a fruit or a vegetable were punched in manually at the cash register? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, my understanding is it would apply to produce items that are punched in.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you. And, it is -- I understand if the price is punched in incorrectly, that would result in one free item, but what if the cashier didn't know her kale from her green lettuce and just put in the wrong sku? Would that also allow the consumer to receive the one free item? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, no, that would not award the person a free item. The law -- the proposed Bill speaks only to items weighed at the point of sale that are offered for sale by a retailer and it's priced to the consumer at the point of sale is higher than the posted or advertised price. That's the only circumstance under which a person could avail themselves to the benefit of this proposed Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you. And, I did hear the Ranking Member ask you about farmers markets but I also wanted to clarify green houses that sell items at a green house

location if they would fall under this proposed bill?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, if the good Representative could repeat that question?

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Yes. Would greenhouse retail establishments fall under this proposed Bill as amended? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, not under my understanding.

DEPUTY SPEAKER GODFREY:

Representative Bacchiochi.

REP. BACCHIOCHI (52nd):

Thank you, Mr. Speaker and I will continue to listen to the riveting debate on the apples, bananas and kale before making my final decision.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Bacchiochi.

Personally, I was wondering why we were talking about apples but not oranges. But at any rate.

Gentleman from the 51st, Representative Rovero.

REP. ROVERO (51st):

Yes, good afternoon, Mr. Speaker. I have a question to the proponent of the Bill, please?

DEPUTY SPEAKER GODFREY:

Please frame your question, sir.

REP. ROVERO (51st):

Does this Bill just cover food items?

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Yes, Mr. Speaker, to my understanding, it just covers food items.

DEPUTY SPEAKER GODFREY:

Representative Rovero.

REP. ROVERO (51st):

Question to the proponent again. Is there any particular reason why this just covers food items? Because I don't purchase food items; my wife takes care of all that, but I do a lot of purchasing



otherwise and a lot of these larger -- we'll just take a drug store for instance -- they have a lot of misrepresentation, whether it's intentional or unintentional on their shelves. Why don't we cover those items also?

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, the items that I think the good Representative is concerned about; many of them are covered under current law. Consumer commodity, the definition under statute speaks about any food, drug, device, cosmetic or other article. What is significant and it has to be items that are used by consumers and are kind of consumed on a regular basis. The Department offers examples of items that do not fall within that definition, but many items that are not food items, like some of the items that the Representative has mentioned, are picked up by current law. But, the proposed Bill expands current law to cover those items that are weighed, like vegetables and fruits. Hopefully that answers the question. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rovero.

REP. ROVERO (51st):

That does and thank you very much and I will be voting in favor of this Bill.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from Bethel, Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. A question through you to the proponent of the Bill.

DEPUTY SPEAKER GODFREY:

Proceed, sir.

REP. CARTER (2nd):

As it was stated earlier, this originally was about fruits and vegetables that do not have bar scanners or bar codes to be scanned, but one of my colleagues alluded to the fact that some of the fruits can be punched in manually. Through you, Mr. Speaker, if somebody miskeys an apple, for instance and it's an orange and there's a higher price, does the person at the counter have that opportunity to correct the malfunction before the person pays? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I don't know if the technology is limited in that instance, but again, I think the question kind of gets away from what the current law and the proposed Bill addresses which is where the scanned price does not reflect the posted price of a specific item. So, when, as Mr. Speaker pointed out, we have to be talking about apples and apples not apples and oranges. I think in that hypothetical scenario, there wouldn't be any remedy for the consumer there. I think that they could probably correct that on the spot. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

It was funnier when he said it than I said it. But at any rate, Representative Carter.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker. I was hoping somebody would pick up on that reference. Obviously - - well, my question through you, Mr. Speaker is then, if there's a mistake with the scanner or at the point of purchase, does the person actually have to close out the sale and pay before they can take advantage of

getting the one free item? Meaning, does the store have a chance to correct for the malfunction? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, my understanding of the current law and of the proposed Bill is that when the item is scanned, so through the act of scanning, if the scanned price is higher than the posted price, that would trigger a remedy under current law and also under the Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Okay. Through you, Mr. Speaker, just so I understand then, so if we key in a fruit, an apple, a Macintosh and you key in the number and then it comes up as something else because fast Freddy fingers hit the wrong button, they have a chance to correct that because it was never scanned, is that true? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, again, I can't speak to whether the technology would allow them to correct the entry of that item. So, I really can't answer that question, but I appreciate the gentleman's point.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much for your answer and one other question now, with this Bill as amended -- I went back and I looked how this reads -- if I go and I buy an apple, single apple, buying it with lunch or whatever, and for some reason this thing is scanned and it comes up the wrong price, am I entitled to an additional apple or am I entitled to \$20.00 worth or apples?

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, an additional apple is my understanding.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

You know, I asked that question Mr. Speaker, because obviously the way it's written here, once we took out one item of, it became we're going to present to such consumer commodity up to a value of \$20.00 to somebody. So, I think it clearly reads at this point that we're going to give them \$20.00 of apples just because we have the wrong price. That's my understanding of it. Am I understanding this incorrectly? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSK (109th):

Through you, Mr. Speaker, it's not how I read the Bill before the members, but -- and it's also not the intent of the Bill. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Carter.

REP. CARTER (2nd):

Can I have just a moment, Mr. Speaker. Well, Mr. Speaker, I'll listen to the rest of the debate and I'll confer with my colleagues, but the way I read the legislation, is by taking out the one item of, we're giving \$20.00 worth of value of product to somebody

who could be just buying one item. So, I'll listen to the rest of the debate as we go. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Gentleman from New Fairfield, Representative Smith.

REP. SMITH (108th):

Good afternoon and thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Good afternoon, sir.

REP. SMITH (108th):

A few questions to the proponent please.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. SMITH (108th):

Thank you. To the good Chairman of the General Law Committee, and my colleague down in Danbury, Representative Rebimbas raised a question that I had, is why are we doing this and I realized that we are now acting under existing law. And, I'm just wondering though if the good Chairman knows whether there's been any complaints under this statute that would warrant this type of change in the current law

that we have? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I do know of at least one or -- one complaint or request at least made to a legislator that we expand the law whether that's the entire genesis of the Bill, I can't say for certain, but it was brought to us by at least one Connecticut resident. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, I am assuming that section two where it says new, is all new language. Am I correct in that assumption? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

That is correct. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, if we're aware of only one and



perhaps, I'm assuming there's others, but if we're aware of only one complaint brought to your attention by one of the legislators, I am wondering under the new section two, why we now have an enhanced penalty to the establishment for failure to comply with this statute, if you know. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, for the gentleman's clarification, current law allows for civil penalties in Connecticut General Statutes 21A-79, subsection 7D, that allows for the same penalties of \$100 and then \$500. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. So, just so I'm clear on that then, subsection C of section two is not new language; that's current law under the existing statute? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, no, it is new language, but it's modeled after penalties in current law.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Just so, again, I'm clearly understanding the change, if I were to go into a store today before this Bill is passed and find out that my charge for whatever the apples or whatever we were talking about is a little bit higher than it should have been and I'm entitled to a refund or a new batch of apples, could I under the -- could the store owner under the existing law today, face a sanction from the Department of Consumer Protection under this statute? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, once this becomes law, if it does, yes. The penalties are under subsection - - or under section two, subsection C, so that is correct. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

But, if this does not become law, would the store owner be subject to this sanction? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, only for the items that are currently covered under our one free item law. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, I noticed there was a question earlier and I thought you clarified it, but so we're all clear on the answer, there was a question as to whether this applies only to food and I believe looking at subsection 1B, it talks about more than food; it talks about cosmetics and devices and other articles and products and things of that nature, so I would assume this statute applies to more than food and it covers those other types of products that I just mentioned. Is that accurate? Through you, Mr.

Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I believe that is correct.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And, would it apply to soda or carbonated beverages, as well? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, no, it does not.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, if there is an overcharge of the product, what must the consumer provide to the store owner to get the benefit of this statute? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I think typically what happens is the consumer either points it out at the point of purchase or brings the receipt in. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

So, if I had read in a newspaper that a certain product was on sale for \$5.00 and I was charged six, but I did not have the ad with me at the time of the purchase, would I still be able to receive the benefit of this statute? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I don't know. I can't speak to what a given store would require as proof. I think that most of them from my understanding and research conduct themselves in good faith and honor, consumers requests when they point out that an item has scanned higher than its advertised or posted price, through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Just a few more questions, if I may, Mr. Speaker. There is language in the new section too that talks about a sign that needs to be posted in a conspicuous location by the store owner. Was there any discussion during the Committee or did you receive any testimony at all about what type of -- where this sign should be posted? Is it when you walk into the store? Is it as you're checking out? Do you know? Was there anything discussed in that nature? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, I don't believe there was any testimony on the issue. There wasn't any opposition to the Bill. The current law requires a conspicuous sign be posted. I believe it is every six linear feet, but -- so, I imagine that -- I would say that what we intended to do here is to model this after current law which currently requires such a sign to be closely located to those food items. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

It's funny because I try not to go into the store too much, but when I do, I've never noticed these types of signs, so I'm going to keep a lookout just to make sure that our establishments are complying with the Connecticut law. One final question, if I may. The 10,000 square foot limitation -- is there any reason why that square footage was determined? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, again, we modeled this after current law. I cannot speak to the intent of the original or of current law. To me, I can say that I thought it was reasonable to exclude smaller stores from this requirement. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you. And, I'm getting confused by the comments, we're just trying to follow current law, because I think under section two we've indicated this

is a new section and I don't see any underlines at least in my draft here of -- so maybe it's just my misreading of the amendment or the actual Bill online. So, I guess my last question, that is, the language that talks about the notices being put in place and the 10,000 square foot limitation, if this Bill were not to go into effect, would those still requirements have to occur? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, no, they would not have to occur with regard to the items that are addressed and made part of the one free item law. However, companies, businesses that fall under the current law, are posting these signs because it is a requirement of current law in other areas of the store. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

And, what would that current law be? Does the good Chairman have a citation for that? Through you, Mr. Speaker.



DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

I'm sorry, Mr. Speaker. Could the gentleman repeat the question?

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Yes, I'm just wondering what the current law citation is? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Taborsak.

REP. TABORSAK (109th):

Through you, Mr. Speaker, they're in both DCP regulations under this section, under 21A dash, I believe, 79 six, so if the gentleman looks up those regulations he'll find the real specifics. But, it's also in state statute under current law, under 21A-79 six. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker, and thank you to the good Chairman.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Williams.

REP. WILLIAMS (68th):

Thank you, Mr. Speaker and good afternoon. Just briefly on the Bill. I certainly can appreciate that what we're doing here is sort of just tweaking existing law that we already have, but -- and, I know this may sound funny in the context of apples and oranges and kiwi's and groceries of that sort, but, it just strikes me that we are becoming more and more restrictive as a society every time that we pass one of these rules or laws or regulations that sort of restricts the ability of people to do business or restricts the ability of commerce to flow and it concerns me that individually every one of these rules or laws or restrictions that we pass may not be crippling to a business community or to commerce in our state but, it strikes me that if we sort of collectively add all of these restrictions up, we've become a pretty restrictive society. And, this may be one of the more obvious ones because it's something that we all can understand from our daily lives. You go into the grocery store and having a potentially an

item get scanned incorrectly, but it just strikes me that we are becoming more and more restrictive, we're not moving in the right direction as a society. This is one example of that and again, I know it sounds funny given the nature of the discussion is about groceries, but I'm going to listen to the rest of the debate and again, I understand that all we're doing here is tweaking a law, but I think it's probably time for us to collectively start thinking about all of the restrictions that we're passing as a society and what effect it has on commerce. So, again, I'll listen to the rest of the debate and I look forward to hearing other member's thoughts. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on the Bill as amended?

Will you remark further on the Bill as amended?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

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 GODFREY:

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

And, the Clerk will announce the tally.

THE CLERK:

Senate Bill 71 as amended by Senate "A" in  
concurrence with the Senate.

|                             |     |
|-----------------------------|-----|
| Total number voting         | 147 |
| Necessary for adoption      | 74  |
| Those voting Yea            | 116 |
| Those voting Nay            | 31  |
| Those absent and not voting | 4   |

DEPUTY SPEAKER GODFREY:

The Bill as amended is passed in concurrence.

Are there any introductions?

Gentleman from Waterbury, Representative Selim Noujaim.

REP. NOUJAIM (74th):

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

DEPUTY SPEAKER GODFREY:

Afternoon.

REP. NOUJAIM (74th):

Mr. Speaker, I rise for a point of personal

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**CONNECTICUT  
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SENATE**

**PROCEEDINGS  
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Senator Looney.

SENATOR LOONEY:

Yes. Thank you, Madam President.

Madam President, a couple of changes in markings before proceeding to items marked go. Two items that previously had been placed on the consent calendar, we will be looking to remove, and we'll mark those items PR instead.

The first of those, Madam President, is on calendar page 9, and that is Calendar 110, Senate Bill 184. Madam President, would move to mark that item passed retaining its place on the calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And a second item appearing on calendar page 10, Calendar 114, Senate Bill 138, that was previously placed on the consent calendar, would remove that from the consent calendar and also mark it as PR.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Page 5, Calendar 56, Senate Bill Number 71, AN ACT EXPANDING THE "ONE FREE ITEM" RETAIL SALES LAW, favorable report of the Committee on General Law.

THE CHAIR:

Senator Doyle, good afternoon, sir.

SENATOR DOYLE:

Good afternoon. Good afternoon, Madam President.

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

THE CHAIR:

The motion is on acceptance and passage. Please proceed, sir.

SENATOR DOYLE:

Thank you, Madam President.

What this bill does is it expands our current program or law we have under the books for when consumers go shopping at the larger supermarkets that have items that have the barcode. Currently if you go to supermarkets with greater than 10,000 square feet and you buy an item that has a barcode or scan code, if the aisle price does not match the register price you can get that item free.

And what this bill does, this bill seeks to add to it the food that is weighed, which of course, is more or less fruits and vegetables. And what this bill does is it seeks to add the opportunity if you were to purchase fruit or vegetables and the price does not correspond to the price in the commodity section, you can get that item free.

And at this point I would like to call an amendment to clarify a problem with the underlying file copy. The Clerk has an amendment, LCO 3157. Will the Clerk please call and I be allowed to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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LCO Number 3157, Senate "A," offered by Senator Williams,  
et al.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

I first want to say that the voice that called that amendment sounds strangely familiar and eerie from years ago.

And I move adoption of the amendment.

THE CHAIR:

The motion is on adoption.

Will you remark, sir?

SENATOR DOYLE:

Thank you, Madam President.

Yes, this amendment, it's short but it kind of clarifies. In the committee process an issue was raised: How do you determine what the consumer would get free? For instance, if a person brought up a bunch of grapes, do they get one grape-free or the whole bunch?

This language seems to tighten. It takes out the one item to make it clear now that when a consumer brings up the item to the register, whatever the -- whether it's one watermelon or one bag of apples, whatever the item is that's weighed, the person gets that item free up to the cost of \$20, up to a value of \$20.

So it clarifies an underlying problem with the file copy, and I urge the Chamber to accept the -- approve the amendment.

Thank you, Madam Chair.

THE CHAIR:



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The question is on the amendment.

Will you remark? Will you remark?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam Chair -- or Madam President.

I also rise to support the amendment, and I'll speak on the bill after the amendment passes.

THE CHAIR:

Thank you.

Will you remark further?

The motion is on the adoption of the Amendment "A." All those in favor please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

Amendment "A" passes.

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I also rise in support of the amended bill before us.

Many times people go to the grocery store and they take their time. And because of the tough economic times people do bargain shopping, whether they're clipping coupons or roaming up and down the aisles looking for the best deal possible.

And what a shame it is when they think they're buying a

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product on sale and they go to the cash register and they pay their bill and they get home and then they examine their receipt only to find out that they didn't -- that they actually paid the full price at the register.

And now there's a recourse, as Senator Doyle had eluded to earlier, that if it's a barcode product which is a lot easier to do it -- set up the cash registers electronically, you get it for free. That consumers have gotten accustomed to that, and I actually know people that stand at the cash register like a hawk and they make sure, they catch them if it's not rung up correctly, and they get their free item, that that will also go a long way to helping those that are in the perishable food aisles.

And I support it. And there was no opposition during the public hearing at all to the bill.

So Thank you, Madam President.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Doyle.

SENATOR DOYLE:

Thank you, Madam President.

If there's no objection, I'd like to refer this to the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 6, Calendar 64, Senate Bill Number 37, AN ACT CONCERNING COST SAVING MEASURES AND NOTICE OF LEGISLATIVE SESSIONS, favorable report of the Committee on Government Administration and Elections.

THE CHAIR:

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THE CLERK:

Page 1, Calendar 214, Senate Resolution Number 11; also page 1, Calendar 215, Senate Resolution Number 12; page 2, Calendar 216, Senate Joint Resolution Number 24; page 2, Calendar 217, Senate Joint Resolution Number 25.

Also on page 2, Calendar 244, House Joint Resolution Number 71; page 2, Calendar 245, House Joint Resolution Number 72; page 3, Calendar 246, House Joint Resolution Number 73; Calendar 247, House Joint Resolution 74; Calendar 248, House Joint Resolution Number 75; and Calendar 249, House Joint Resolution Number 76.

On page 4, House Joint Number -- Calendar 250, House Joint 77; Calendar 251, Senate Joint Resolution Number 26; also on page 4, Calendar 252, Senate Joint Resolution Number 27; on page 5, Senate Bill Number 53 -- I'm sorry, Calendar 53, Senate Bill Number 20; Calendar 56, Senate Bill 71; Calendar 57, Senate Bill 105.

On page 6, Calendar 75, Senate Bill 200; page 7, Calendar 80, Senate Bill Number 42; on page 9, Calendar 105, Senate Bill 252; on page 10, Calendar 111, Senate Bill 328; on 13, Calendar 164, Senate Bill Number 205; and on page 13, Calendar 168, Senate Bill 106.

On page 14, Calendar 181, Senate Bill 98; and Calendar 186, Senate Bill 191.

THE CHAIR:

Mr. Clerk, I think that's Senate Bill 88.

THE CLERK:

Senate Bill 88, stand corrected.

Also Calendar 186, Senate Bill 191; on page 15, Calendar 198, Senate Bill Number 28; on page 17, Calendar 212, Senate Bill 241; and Calendar 213, Senate Bill 139.

On page 18, Calendar 227, Senate Bill 99.

THE CHAIR:

At this time, please, the machine will be open and please

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call for a roll call vote.

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:

Have all members voted? If all members have voted, the  
machine will be locked. And Mr. Clerk, will you call the  
tally?

THE CLERK:

|                             |    |    |
|-----------------------------|----|----|
| 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 been adopted.

Senator Gerratano -- Gerratana, sorry.

SENATOR GERRATANA:

Thank you, Madam President.

Just for a journal notation. I missed, not this vote, but  
the previous vote on the legislation. I was out of the  
Chamber on legislative business, but I would have voted  
affirmative.

THE CHAIR:

It will be noted.

SENATOR GERRATANA:

Thank you, madam.

THE CHAIR: