

Legislative History for Connecticut Act

PA 16-117

HB5433

Senate 3088, (3094-3096) 4

General Law 606-616, 711-714 15

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2016**

**VOL. 59
PART 9
2751 – 3097**

/je
SENATE

338
May 4, 2016

On Calendar page 16, Calendar 492, House Bill 5433 -
-

THE CHAIR:

Seeing no objection, sir, so ordered.

SENATOR DUFF (25TH):

On Calendar page 16, Calendar 493, House Bill 5291 -
-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 17, Calendar 496, House Bill 5637 -
-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 17, Calendar 499, House Bill 5438 -
-

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR DUFF (25TH):

On Calendar page 17, Calendar 500, House Bill 5444 -
-

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THE CHAIR:

All right. Mr. Clerk, will call the Consent Calendar. The machines will be open.

UNKNOWN SPEAKER:

(Inaudible comment.)

THE CHAIR:

Okay. Just get going. It's getting there. It's getting there. You've got to call for a vote. Okay. She's pulling it up, she's pulling it up.

SENATOR DUFF (25TH):

Madam President, if the Clerk can just read the bill numbers and not the titles, that would be great.

THE CHAIR:

That's right. Okay.

THE CLERK:

House Bill 5470, House Bill [inaudible], 5423,
[inaudible], 5593, 5360, 5311, 5359, 5366, 5317,
5329, [inaudible], 5438, 5637, 5520, 5553, 5510,
5420, 5540, 5484, 5306, 5289, 5639, 5147, 5411,
5055, [inaudible], 5479, 5138, 5189.

(HB5356) (HB5629)

(HB5433) (HB5291)

(HB5601) (HB5051)

(HB5638) (HB5556)

(HB5261) (HB5596)

(HB5259) (HB5444)

THE CHAIR:

Okay.

(Applause.)

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The machine is open.

SENATOR DUFF (25TH):

Madam President, I need to add one more. Calendar 513, page 19, Calendar 513, House bill 5553.

THE CHAIR:

It's already on Consent, sir. May I open the machines to vote.

SENATOR DUFF (25TH):

Madam President.

THE CHAIR:

Yes?

SENATOR DUFF (25TH):

I need to, does the Clerk have agendas 6 and 7?

THE CHAIR:

Yes, sir.

THE CLERK:

The Clerk has Senate Agenda 6 and 7. They have been printed and on Senators' desks and dated Wednesday, May 4, 2016.

SENATOR DUFF (25TH):

Madam President, I move that all items on Senate Agendas 6 and 7, dated Wednesday, May 4, 2016, be

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acted upon as indicated and the Agenda be incorporated by reference in the Senate Journal and transcript and placed immediately on the Calendar.

THE CHAIR:

So ordered, sir.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Immediate roll call is ordered in the Senate.

THE CHAIR:

Come on, come on, come on. Crisco, Crisco, Crisco.
Where's Crisco? Where is Crisco? Come on Joe.

All members have voted? All members have voted?
The machine will be closed. The Consent Calendar passed.

THE CLERK:

Consent Calendar Number 3 [inaudible].

(Applause.)

THE CHAIR:

I almost [inaudible] holding the clock back. Don't worry about it [inaudible] it. Senator Duff.

SENATOR DUFF (25TH):

Madam President, I move that we adjourn Sine Die.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 2
413 – 724**

2016

HENRY ZACHS: Good afternoon. My name's Henry Zachs and I'm one of three managing partners of the Crown Supermarket. Brian Newman, Alan Luzowski and myself. We took over this market a year-and-a-half ago and we're going through a renovation process and I, a year-and-a-half -- and a -- half ago did not know about Kosher or non-Kosher or HKC or Hebrew National as well as I know the process today.

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And one of the things as a business decision 40 percent of our customers are not Jewish, many of our customers are very Orthodox and certain -- as a business decision if we were to, for example, post a -- a sign Non-Kosher and Kosher foods sold here, the ultra Orthodox in the community might not frequent the store because of that. That may sound not plausible, but those are the facts.

We are in the process, in fact, last night we what's called koshered. We made our whole meat department what's called HKC and over the next week it will be all K--, HKC and each piece of meat that will be cut will be supervised by the HKC or as they call them mashkiachs (phonetic) and the person buying that product, whether they buy it and have it sliced, the product will come out and it will say HKC. It will not say, for example, Glatt which has a negative impact on a lot of people and it -- it may sound silly but that -- those are the facts. So we're going through a very big, big change at the Crown. There are 50 people that invested \$2.5 million and I believe that defining Kosher and non-Kosher in big signs, would be a serious mistake on sales.

I also think that we're covering everything really when we -- when we have the HKC. An Orthodox Jew knows what HKC is and it may so--, someone may say,

well you have Hebrew National. Well Orthodox people do not eat Hebrew National. That's a different kind of a label. So I believe that this bill works against the Crown Supermarket in the form that it's in.

I also think that it's very selective because Muslim people that subscribe to Hillel there's no -- there's no equivalency in this bill. So I think the -- the bill needs to be revised.

CHAIRPERSON LEONE (27TH): Does -- does that conclude the testimony for the moment?

HENRY ZACHS: I heard the bell.

CHAIRPERSON LEONE (27TH): Oh, okay. We're -- we're -- we're somewhat lax, so if you -- if you can just summarize and get to the end that way we'll open it up for questions.

HENRY ZACHS: Just summarize I'd like to see the bill reworded to not have a big sign. We do have available the -- the -- the piece of paper that comes from their Mishchiah(phonetic) people. There's Rabbi Brander, Rabbi Adler and Rabbi Wilofski(phonetic) and Wilofski is from the ultra Orthodox. So we're -- we're covering everything. They're -- we -- we do not, for example, cut meat after 3 o'clock on Friday, for example, because the Orthodox people are the people that supervise, but everything in the case is marked HKC, so that's -- that takes care of everything.

But sometimes putting things in front of people can come to the wrong conclusion and I think that would hurt business.

I mean if you'd -- you'd like I -- I'd be very glad to take this document, work with someone in revising it to help the Crown. And the Crown really is the only -- other than a - a small supermarket in New Haven and a very Orthodox market in Waterbury, the Crown is the -- is the central what I will call available Kosher and non-Kosher but serving a very broad community.

CHAIRPERSON LEONE (27TH): Thank you. I think -- I think your testimonial would be helpful as this bill tries to proceed and I guess a couple of questions I have before I open it up -- in -- in terms of what is Kosher and what is not Kosher, is -- is -- is that a hard black line that you're either Kosher or not and Kosher has to solely be to a very say high standard or can there be different levels of what is considered Kosher for someone who may not need or want or choose not to interpret say an Orthodox observation?

So could there be different forms of Kosher depending on the prevalence of the particular consumer that we might be talking about?

HENRY ZACHS: Well we're -- we're talking about here, for example, Hebrew National is unacceptable to the Orthodox and if you take -- Tate's cookies, for example, that is not Kosher but if you look at the ingredients it otherwise could be. So to someone Conservative, they would eat Tate's cookies because of the ingredients but it wouldn't have the HKC or K or U on it.

CHAIRPERSON LEONE (27TH): And I -- I guess that's kind of the way I'm -- I'm interpreting the intent of the bill anyway is to figure out how DPC can categorize the right, I guess for lack of a better

explanation, the right levels of Kosherism for consumers so that those that need the high standard know what they're getting and those that choose to use a -- a different interpretation have that also available. Otherwise there seems to be different interpretations as to what is Kosher and if we don't have some kind of definition, then that leaves a lot of gray area for what say a supermarket can -- can sell, choose to sell, need to sell and so forth. So I believe the intent was to try and find the right way to articulate for -- from the consumers what is acceptable to them and still keep the intent, at least from the religious observance, to make sure that those that want to choose to be ultra Orthodox or not, still have these options available to them.

But you're -- you're saying -- what I'm hearing that it's either how you need it to be or the rest of the bill is not quite correct.

Just hit the button for the --

HENRY ZACHS: If you were to walk -- walk into the Crown Supermarket yesterday, okay, you would see a small section that had an orange HKC on it. That is acceptable to the ultra Orthodox. However, there are certainly Ortho--, Orthodox that say if you have in the store even packaged items that are not acceptable, they won't shop in the store. However, they'll shop in Big Y. The reason they'll shop in Big Y is that it's -- Big Y is not owned by Jewish people, yet we do have one Italian investor so maybe that's the exception to the rule.

But right now and next week, everything will be labeled HKC but we won't have the orange label. Why don't we have the orange label? Because there are people that will say that if we had the orange label

then everything is what is called Glatt and to some people Glatt is bad and salty. It may not be and it isn't, but that's what they think. So a lot of this is perception and what we're -- what we are in-- trying to do here is to standardize HKC for the whole store except for packaged goods that are like Tate's cookies or maybe Raisin Bran or something like that that people want to buy staples, that we have in the store for all our customers.

CHAIRPERSON LEONE (27TH): Final question from me and I'll open it up to the Committee.

It's -- it's -- if -- if say a different supermarket wants to sell to a -- a Kosher segment, but does not adhere to your interpreters -- interpretation of what is Kosher and what is not, is -- is there a -- a problem with that new interpretation of what is Kosher and what is not?

HENRY ZACHS: Well let's take the Y, all right? The Big Y 90 percent of the store is not Kosher. They have a section that's Kosher and it's marked Kosher and that whole section is Kosher and they have HKC there covering their Kosher and they have another person by the name of Yose(phonetic) that covers the Kosher. That's -- that works.

Now in New Haven, Westville(phonetic) Supermarket, they -- everything is Kosher in that store. There's no non-Kosher products, 100 percent Kosher. So that's the difference between the Crown and Westville Kosher is the customer. Forty percent of our customers they buy our Kosher chickens. Jamaican people come in and buy our Kosher chickens. They love our Kosher chickens and that's all HKC.

And someone comes in and says I want a piece of meat

and I want it this -- this big, they get it sliced for them and they -- they'll have the label that says HKC but it won't be an orange label and it's all in the perception and marketing of this thing. And that's the critical piece here. And the reason why it's important that we don't put up signs that say non-Kosher and Kosher, the people that know what Kosher is, they look at the label, it's Kosher, they buy it.

CHAIRPERSON LEONE (27TH): So if this bill were to pass this is going to harm your bus--, business because of the labeling?

HENRY ZACHS: I think in the form -- in the form that it's in, yes.

CHAIRPERSON LEONE (27TH): Okay. Let me -- let me open it up to the Committee members. Mr. Chairman?

CHAIRPERSON BARAM (15TH): Thank you. First I'd like to welcome Henry Zachs to -- to the legislation. For those that don't know him, Henry is most -- one of the most involved people in the Jewish community, really throughout the state of Connecticut and one of our primary philan--, philanthropics in the entire state as well.

And in full transparency, while we were looking at this bill, we were attempting to get input from various factions and interests in the Jewish community and there just wasn't the time to really vet it as closely as we wanted to before coming today. However, there were some sections that were originally suggested by the commissioner that -- that we did eliminate through some of the discussions we had but we haven't had the time to really look at the -- the other details.

The -- the genesis as I understand it to the existing statute is that people wanted to make sure that if Kosher food was sold there was some notice and some assurance that it was, in fact, Kosher, but as Henry Zachs indicated, within the -- the -- the certification of Kosher food, there are many levels and certifications and some people will consider one certification Kosher and off accordance to their observance and purchase it and they may not purchase another item that has another kind of a Kosher symbol on it.

I think what the testimony tried to get to is that people who keep Kosher know what symbols to look for because all of this food is ultimately approved by a Koshru(phonetic) commission that oversees the -- the manufacture of the food, so I think one of the concerns that I'm hearing within the Jewish community is that since we have a process for identifying the food and the symbols are already marked on the food, that to put a generic sign that says Kosher doesn't have the relevance it may have had 50 years ago because there's so many different degrees of keeping Kosher and a religious observance.

So one of the things I would like to suggest is to take Henry Zachs offer to perhaps, as we go forward with this bill, see if we can look at, you know, making some changes that would be acceptable to the community and still perhaps be able to provide some basic level of notice, but notice that wouldn't be intrusive.

And I should say that in talking to the commissioner's office, the reason why these changes were suggested, there was a circuit court case that

I think it was in New -- Pennsylvania or Penn--, Illi--, New York that indicated that the level or degree of legislation governing Kosher food was excessive entanglement, that we were being intrusive into religious observance by trying to define what the observant should be, when in fact, the religion itself had its own process of certification.

So this was an intent to comply with that circuit court case and remove ourselves from the statute -- statutory regulations that currently exist, which is actually, in some ways, much more intrusive than what the bill purports to be here.

So I guess I would suggest to my colleagues when we address this on Thursday that we, you know, move ahead as a work in progress and try and work with Mr. Zachs and others to see if we can come up with a -- a -- a legislation that meets all the -- the concerns.

I know that for people outside the Jewish religion this sounds very confusing and it is for everybody, but I -- I am positive and hopeful that, you know, we can come up with something that's workable.

I should just say parenthetically that a couple of years ago the Muslim community approached me about sponsoring a bill for, they call it Hillel, which is their form of Kosher, if you will meeting their religious criteria and for -- for whatever reasons decided not to go forward with that at the time. So there are many different religions that have their own criteria for observance and I think one of the concerns is if we get into every single religion it could become very confusing. So the question is, can we still provide the consumer that uses Kosher food or any other food from other religions some

assurance but leave it to the religion to police itself and come up with its own system of governance for their religious observances.

I hope that came out right.

HENRY ZACHS: I -- I -- I think that thoroughly answers the question because we -- we have two people that are called Maschiach(phonetic) in the store observing and they work under three Rabbis that are the HK--, call them HKC commissioners and they oversee everything. And it -- it -- it's more than anyone else would imagine in -- in watching over making sure that everything is done properly.

In fact, for example, the knives, the knives need to have the Crown label on it and when you replace the knives you -- they -- they -- they go sharpen, you don't get someone else's knives. You get back your knives for -- in the -- in the meat department. And those are the kinds of things that are really a technicality that I never knew until, you know, six months ago. And it's a learning process I assure you.

I know from cell towers, I'm not from --

CHAIRPERSON LEONE (27TH): Well one -- one thing is for sure, it is definitely a learning process and -- and it's always fascinating as we learn some of these details that are important to, you know, so many people and constituents, especially from a religious perspective. So I think the comments by the chair to -- with you and -- and the -- and the agency to work the language I think will be quite helpful.

HENRY ZACHS: Thank you very much.

CHAIRPERSON LEONE (27TH): I think we have another question. Representative Carter.

HENRY ZACHS: Surely.

REP. CARTER (2ND): Thank you, Mr. Chairman. Just one quick question.

HENRY ZACHS: Yeah.

REP. CARTER (2ND): So what happens to a business when there are questions about whether something's Kosher? Or what -- when things go wrong in a company, have you ever know a grocery store to go out of business? I mean, do people just stop going there?

HENRY ZACHS: I -- I can -- I can tell you that a year-and-a-half ago or I could tell you even a better one. The Hartford Club they were going out of business and they're in business today because of Alan Luzowski and myself. So the Crown Market was going out of business and I got a call from my attorneys and they -- they said they're closing it up and I said this can't happen. So I got 50 investors together and we bought out the -- the guy that owned it. We made a deal with the landlord which was no easy chore, no easy chore if you know who the landlord is. And I won't mention it because I'm being recorded.

But any right, well known. So that was a difficult thing to work out and we did work that out. We got a 25 year lease and it is not an easy thing to a guy named Ken Abrams who headed Walbaums for a year -- 25 years he helped us out and may he rest in peace, he, you know, -- a -- a -- a week before he died he

had all the plans on his bed with the -- with the -- with the drip going and there's been a lot of working into this and nothing is simple when you need to make sure that you have dairy and meat and then you have meat that's connected with what's called parve or vegetables with dairy and vegetables with -- with -- with meat. So you -- there's -- there's a load of work that goes into it and a load of overseeing by the rabbis, the machkeich and, more importantly, our staff is fabulous. We've got people that have been there for years and years and they do understand how to run the kitchen.

Our 5 o'clock shop has never been Kosher although people think it is. That is now going through the process of redoing and that will become acceptable to all of the Orthodox people. And the reason we're doing that is, we want a store to be open to everyone. And it's all good stuff.

REP. CARTER (2ND): Thank you very much for being here and enlightening us. Thank you. Thank you, Mr. Chairman.

CHAIRPERSON LEONE (27TH): Thank you.

HENRY ZACHS: Thank you very much.

CHAIRPERSON LEONE (27TH): Seeing -- seeing no questions, thank you for the testimony.

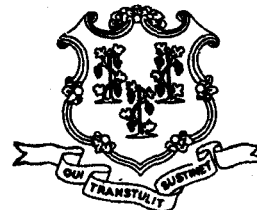
HENRY ZACHS: Thank you.

CHAIRPERSON LEONE (27TH): Okay. Getting down to the wire, two more speakers. Gregg Pompei for then followed by, for a second time, Paul Pescatello.

GREGG POMPEI: Good afternoon, ladies and gentlemen.

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Department of Consumer Protection



Testimony of Jonathan A. Harris
Commissioner of Consumer Protection

General Law Committee
Public Hearing, March 8, 2016

H.B. 5433 "AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT
OF CONSUMER PROTECTION STATUTES

H.B. 5430 "AN ACT CONCERNING THE SALE OF PRIVATELY HELD ALCOHOLIC
LIQUOR FOR AUCTION"

S.B. 313 "AN ACT CONCERNING BIOLOGICAL PRODUCTS"

Senator Leone, Representative Baram, Senator Witkos, Representative Carter and Honorable Members of the General Law Committee, thank you for the opportunity to offer testimony about House Bill 5433, "An Act Making Minor and Technical Changes to Department of Consumer Protection Statutes," House Bill 5430 "An Act Concerning the Sale of Privately Held Alcoholic Liquor for Auction" and Senate Bill 313, "An Act Concerning Biological Products."

**H.B. 5433 "AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT
OF CONSUMER PROTECTION STATUTES"**

House Bill 5433 makes minor changes to the Departments statutes, and we very much appreciate the willingness of this Committee to raise this bill and work with us on the proposed language.

The first two sections of this bill make simple and technical changes to sections of the Real Estate Guaranty Fund Statute. The word "trickery" is removed from Sections 20-324a and 20-324e as it is ill-defined for the types of conduct that would allow an aggrieved person to access the Guaranty Fund. Also, Section 2 eliminates the automatic revocation of a broker or salesperson license when the licensee has a Guaranty Fund claim made against it. This would allow for the Real Estate Commission to exercise some discretion in cases where revocation is unwarranted, thus the licensee would be able to continue act as a real estate broker of agent and would have the ability pay back the Guaranty Fund.

Currently, the Coliseum Permit statute only allows for beer to be sold in paper containers. Section 3 of this bill would allow for beer to be sold at coliseums in plastic, aluminum or similar containers.

The purpose of Section 4 of this proposal is to clarify that the continuing education requirements for pharmacists do not apply to the first year of a newly licensed practicing pharmacist. The continuing education requirements and the pharmacist license

renewals were both required annually until P.A. 11-121 changed the license renewal to a biennial requirement. The continuing education requirements are still annual, but the language in Section 20-600 (b), which was intended to wave the first year of continuing education requirements for newly licensed pharmacists, refers to the license renewal, thus causing confusion about whether or not continuing education requirements for these pharmacists are waved for one year or two. This language seeks to clarify that the intention is to wave those requirements for only one year.

Section 5 of this proposal reintroduces a pilot program for alternative electronic retail pricing systems of consumer commodities. A pilot program to enable alternative electronic retail pricing systems previously existed, but ended in 2001. We are currently working with proponents of a similar bill raised by this Committee and will soon have substitute language that makes slight revisions to this language.

Finally, the remaining sections of this bill update the statute related to the Department's oversight of Kosher Foods to make clear that the Department does not itself confirm that a product was prepared in accordance with orthodox Hebrew religious requirements. The same statute existed in New York and was ruled unconstitutional by the U.S. Second Circuit Court of Appeals. As currently drafted, this bill would also require businesses to make appropriate disclosures to consumers with regard to the Kosher practices of the establishment. This section of H.B. 5433 is also a work in progress and we are in discussions with constituents to ensure that we address the

constitutional issue with the statute as well as the needs of the constituencies impacted by the proposed language.

H.B. 5430 "AN ACT CONCERNING THE SALE OF PRIVATELY HELD ALCOHOLIC LIQUOR FOR AUCTION"

The Department also thanks the Committee for raising House Bill 5430. The Department requested this proposed legislation to allow for the resale of privately owned liquor at local auctions because there is currently no legal way for individuals or estates of individuals to resell alcoholic liquor. As a result, some larger Connecticut estates auction off those items across the state boarder in New York. This bill attempts to enable municipalities to issue local auction permits to address this issue. However this bill as drafted is too broad and the Department is working on substitute language to ensure that this type of resale can only be conducted with a local auction permit.

The Department respectfully requests the Committee's support to amend this proposal as well as the above-mentioned sections of H.B. 5433, and to vote favorably to move these bills to the next stage of the legislative process.

S.B. 313 "AN ACT CONCERNING BIOLOGICAL PRODUCTS"

The Department of Consumer Protection is working with the proponents of this bill to ensure patient safety isn't compromised as more biological drugs are introduced to the market. At this point, we still have concerns with the bill as drafted.