



# House of Representatives

General Assembly

**File No. 237**

*January Session, 2003*

Substitute House Bill No. 6470

*House of Representatives, April 8, 2003*

The Committee on General Law reported through REP. FOX of the 144th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE SALE OF POISONOUS PLANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) A retailer that sells or  
2 offers to sell plants containing a poisonous substance shall post a sign  
3 informing consumers that such plants may contain a poisonous  
4 substance. For the purposes of this section, "poisonous" means having  
5 the capacity to produce personal injury or illness to a human being or  
6 domestic animal through ingestion, inhalation or absorption through  
7 any body surface. The provisions of this section shall not apply to  
8 substances that are not inherently poisonous but become so if ingested  
9 in excessive amounts.

10 (b) The sign specified in subsection (a) of this section shall be placed  
11 in a conspicuous location visible to consumers and near the plants and  
12 shall consist of the following printed in letters in a size and style that is  
13 conspicuous and allows such sign to be read without difficulty by  
14 consumers: "CAUTION - THESE PLANTS MAY CONTAIN A

15 POISONOUS SUBSTANCE. KEEP OUT OF REACH OF CHILDREN  
16 AND PETS."

17 (c) The Commissioner of Consumer Protection, after a hearing  
18 conducted in accordance with the provisions of chapter 54 of the  
19 general statutes, may impose a civil penalty of not more than one  
20 hundred dollars for the first offense and not more than five hundred  
21 dollars for any subsequent offense on any retailer who violates the  
22 provisions of subsection (a) of this section.

This act shall take effect as follows:	
Section 1	October 1, 2003

**GL**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Consumer Protection, Dept.	GF - Potential Revenue Gain	Minimal	Minimal
Consumer Protection, Dept.	GF - Potential Cost	Indeterminate	Indeterminate

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill requires retailers offering or selling poisonous plants to post a sign near the plant(s) warning consumers of the poisonous substance. It authorizes the Commissioner of Consumer Protection to hold a hearing and to impose a civil penalty of not more than \$100 for the first offense and not more than \$500 for any subsequent offense.

Passage of the bill could result in a minimal workload increase, and in administrative costs if the commissioner proceeds with a formal hearing. It may also require training staff to identify poisonous plants.

There is also the potential for a revenue gain for the imposition of civil penalties. However, since such civil penalties are discretionary, the revenue gain is indeterminate but is expected to be minimal.

**OLR Bill Analysis**

sHB 6470

**AN ACT CONCERNING THE SALE OF POISONOUS PLANTS**

**SUMMARY:**

This bill requires retailers offering or selling any plant containing a poisonous substance to post a sign near it informing consumers of this fact. It defines "poisonous" as having the capacity to cause personal injury to or produce illness in a human being or domestic animal through ingestion, inhalation, or absorption through any body surface. The bill exempts substances that are not inherently poisonous but become so if ingested in excessive amounts. It authorizes the consumer protection commissioner, after notice and hearing, to impose a civil penalty up to \$100 for the first violation and up to \$500 for subsequent violations.

EFFECTIVE DATE: October 1, 2003

**SIGN POSTING**

The bill requires the sign to be located in a conspicuous place visible to consumers near the plant and contain the following warning statement printed in letters of a size and style that is conspicuous and allows consumers to read it without difficulty: "CAUTION-THESE PLANTS MAY CONTAIN A POISONOUS SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND PETS."

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Substitute

Yea 17      Nay 0