

PUBLIC HEARING

CHAIRPERSON: Representative Liz Linehan
Senator Marilyn Moore

SENATORS: Anwar, Kelly, Cohen

REPRESENTATIVES: Comey, Green, Boyd,
Cummings, Hampton, Turco,
Wilson-Pheanious, Hayes,
Kokoruda

REP. LINEHAN (103RD): Good morning everyone.
Welcome to the public hearing for the Committee on
Children. We are -- I am going to open the meeting
and then we are going recess for a short bit, just
to allow some of our legislators to get here on
time. So, we need to -- I'm guessing about ten
minutes. So, if you guys need to do what you need
to do. We have a pretty big crowd here today. I'm
so happy to see that, by the way. So, we will
reconvene in approximately ten minutes. Thank you.

(RECESS)

REP. LINEHAN (103RD): Good morning everyone. We
will now reconvene the Committee on Children public
hearing today. Just really quickly, in the interest
of safety; and please pay to attention to this
because we do have a packed room today, I would ask
that you note the location of an access to the exits
in his hearing room. In the event of an emergency,
please walk quickly to the nearest exit. After
exiting the room, go straight and exit the building
by the main entrance or follow the exit signs to one
of the other exits. Please quickly exit the

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building and follow any instructions from the Capitol Police. So, good information there.

Welcome to the committee. I am -- I'm happy that we have such a crowd and we do have a full agenda, so we want to get started quickly. I just want to say one thing to my fellow legislators, a quick apology. We have a tradition here at the Committee on Children that for all public hearings I passed out chocolates. And as you've noticed, there aren't any here because I left them on my counter. So, I apologize. She wants me to drive back to Cheshire to get them. But please know that you are appreciated, especially today, when we have such a long agenda. So, thank you very much.

So, we will begin today. I'd like to please Senator Logan and Wendy Klein.

SENATOR LOGAN (17TH): Good morning everyone. So I'm State Senator George Logan. I'm actually here in support of three bills that I'm just gonna mention really quickly. One is Senate Bill 286, AN ACT CONCERNING OUT-OF-HOME PLACEMENTS FOR CHILDREN IN THE CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

In terms of grandparents, I think grandparents should definitely be given a priority when it comes to looking placing children in their custody. And also we have Senate Bill 284, an ACT CONCERNING CHILDREN AND FAMILIES TRANSPORTATION SERVICES; as well I'm very supportive of. And also I'm here to support House Bill 5141, prohibiting the sale of energy drinks to persons under sixteen years of age. And at this point, I'd like to yield the rest of my time to Wendy here.

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MS. LANE: Hi. My name is Wendy Lynn Lane and I am here to tell you about my daughter, Anais Fournier. This is my daughter, fourteen years old in this picture. Her 23rd birthday would've been four days ago, but she will be forever fourteen years old.

In 2011, Anais was a high school freshman. She was an honor student, volunteer at the Humane Society, and loved being with her friends and family. Anais always wanted to help others, and considered becoming a doctor. I was later told that she had defended students who were being bullied, even if it meant she would be the next target. She also invited students who sat alone at lunch to join her and her friends. She was smart, funny, compassionate, and had a bright future ahead of her.

But, on December 17th 2011, that all changed. Anais had had an energy drink while at the mall with friends. When she came home, about thirty minutes later, everything seemed normal. She was watching a movie with a friend, and then the friend came downstairs to tell me something was wrong. I ran upstairs and I saw Anais slumped over on the couch. It looked like she had fallen asleep. I tried to wake her and her eyes rolled back, and a horrible sound came from her throat. I pulled her onto the floor and realized that her heart had stopped beating and she stopped breathing. I started CPR on my own daughter and called 911. The ambulance arrived within ten minutes and they had to shock her four times with the defibrillator to restore her heart rhythm.

Over the next five days, I sat by my daughter's bedside as she was packed in ice to help her brain

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heal from oxygen deprivation. Her heart rate was erratic, her left lung collapsed. She also experienced seizure-like activity that had become so severe that we had to place rolled up washcloths in her hands because her fingernails caused her palms to bleed. Eventually, her pupils became fixed and the brain stem had stopped functioning.

On December 22nd, I was ushered into a conference room and informed that my daughter was brain dead. Another assessment needed to be done in twenty-four hours to confirm brain death. The nurses allowed me to sleep with her that night. And on December 23rd, at 5:37 pm, my baby was declared dead. This is what it looks like. This is what having a cardiac arrest looks like.

The week I spent at Anais's bedside, I did a lot of research on energy drinks and a lot of reading, and I whole-heartedly believed that they were the reason my daughter was dead. When her death certificate arrived, Anais's cause of death was listed as sudden cardiac arrhythmia due to caffeine toxicity.

That is when my fight began. Eventually, Senator Dick Durbin, of Illinois, took on my cause after meeting with me. Along with three other senators, one of which is Connecticut's own wonderful Senator Richard Blumenthal, they called a congressional hearing to inquire about the marketing practices of the industry towards minors. And I also fought to pass a bill like yours in Maryland, in 2013. Unfortunately, although we had the support of all major hospitals, like, Johns Hopkins Hospital, MedStar, University of Maryland, and the American College of Cardiologists, the industry and the lobbyists, prevailed.

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But since Anais's death, there are many other parents like me. It is time to stand up to the energy drink industry and let them know that our children are not collateral damage. I implore you to pass this bill and save other children and their loved ones from the nightmare that we are now living.

REP. LINEHAN (103RD): Thank you so much for that very emotional testimony. But it was more than just emotional, it was filled with facts. And those facts, unfortunately, are that energy drinks contributed to the death of your daughter. I am so very, very sorry for your loss.

MS. LANE: Thank you.

REP. LINEHAN (103RD): I do also appreciate you being here today. I know that it wasn't easy for you to come up here and I do appreciate you taking the time to do that. I have a few questions for you if you don't mind.

MS. LANE: Sure.

REP. LINEHAN (103RD): When you had -- you had said that you had taken a couple of opportunities to try to pass laws that were similar not only to this bill, but there were other bills. And this bill, simply, it does not outlaw the drinks. It doesn't stop anyone from selling them. It simply requires that someone under the age of sixteen -- or sixteen and under would need to show identification in order to purchase that. The purpose for that is so that we can help parents to know what their children are ingesting. Right?

MS. LANE: Right.

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REP. LINEHAN (103RD): If such a law existed when your daughter bought that energy drink in the mall and she needed your permission to buy that drink, would you have allowed her to buy that drink?

MS. LANE: No.

REP. LINEHAN (103RD): And knowing what you know now, do you believe that a law like this would further save other kids and keep them from buying those energy drinks because it allows the parents to know what their children are ingesting?

MS. LANE: Exactly. That's -- we don't want to stop a parent's choice. We just don't want children, like my daughter, who knew she was not allowed to consume those things -- she wouldn't have been able to walk into a candy store in the mall and purchase this like she did.

REP. LINEHAN (103RD): I have spoken to many kids and a lot of them are here today. And what's really interesting, is a lot of them are not. And we've spoken about these energy drinks and I want you to know that your daughter's name always comes up. She is doing wonderful things. And you are that vehicle to help all these other kids. In her name, I thank you. And I thank you for being you and coming up here.

MS. LANE: Thank you.

REP. LINEHAN (103RD): With that, is there any questions from the committee? Yes, Representative.

REP. GREEN (55TH): Thank you, Madam Chair. I would just like to thank you for coming up. It's very brave of you to share your story and I know it's not easy, considering the fact that she's been gone for

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a while. But I just wanted to thank you for coming up and sharing your story.

MS. LANE: Thank you.

REP. LINEHAN (103RD): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Madam Chair. And also, it's just incredible, your strength, and obviously you've touched all of us. Just a couple of questions. You mention in your testimony over-caffeinated. Can you -- what -- is their caffeine in these energy drinks? Is that what we're talking about here? What did you find? It sounds like you've done a lot of study. What did you find out?

MS. LANE: Yes. There are many ingredients in these drinks that contain caffeine, but you don't know that because it's just listed as guarana. And people don't understand that's additional caffeine in to what is initially in there listed as caffeine, and there's also so many stimulants all mixed together and no one actually knows what it does when it's mixed together. No one has ever done a study to view that.

REP. KOKORUDA (101ST): So, it's not just the caffeine.

MS. LANE: No.

REP. KOKORUDA (101ST): Okay. Thank you. And then --

MS. LANE: But there's a very, very high caffeine content in those drinks.

REP. KOKORUDA (101ST): More so than a cup of coffee would have?

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MS. LANE: It's synthetic caffeine, which is in a powder form, and it absorbs in to the system quicker than natural -- a purine caffeine.

REP. KOKORUDA (101ST): And the one other thing, you did a short list of some medical groups and professional groups. Had they come all out formally against energy drinks?

MS. LANE: Yes. And they had representatives that testified for our bill.

REP. KOKORUDA (101ST): Okay. All right. Thank you very much.

MS. LANE: You're welcome.

REP. LINEHAN (103RD): Thank you, Representative. Are there any other questions? Hearing none. Thank you so much for your time. And thank you, Senator Logan. I'd like to call Commissioner Dorantes, please. And that will be followed by Susan Hamilton.

COMMISSIONER DORANTES: Good morning, Representative Linehan.

REP. LINEHAN (103RD): Good morning, Commissioner. Thank you for being here.

COMMISSIONER DORANTES: I just left Senator Moore at a maternal health forum with the surgeon general, so. Good morning, Representative Green and other members of the distinguished Committee on Children. My name is Vanessa Dorantes and I am the commissioner for the Connecticut Department of Children and Families. The Department has submitted written testimony on several bills subject to this hearing that I will summarize.

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DCF supports Raised Bill, S.B. 93, AN ACT CONCERNING MINOR CHANGES TO THE STATUTES OF DEPARTMENT OF CHILDREN AND FAMILY, and encourages the committee to favorably act on the bill. The bill is proposed by the department and includes technical corrections and other changes to seek to improve efficiencies. Section one is a technical correction to remove obsolete statutory reference to DCF regarding juveniles in detention or confinement within DCF. Consistent with the transfer of jurisdiction over committed delinquents from DCF to the Judicial Branch, the Department no longer detains nor confines juveniles.

Sections two through six: Currently, DCF is statutorily mandated to submit approximately thirty reports annually to the General Assembly. Many of these reports have become obsolete due to their longevity and the fact that other reports have been mandated concerning the same subject matter. These sections should either be repealed or be combined into several of these reports.

Sections two and three amend Connecticut General Statute's sections 17a-3 and 17a-4 regarding reporting to the General Assembly on the Department's strategic plan and progress updates achieving that plan. As described below, DCF is also mandated to provide information to ACF, which is the Administration for Children and Families of the U.S. Department of Health and Human Services, through several federal reports rather than duplicate efforts. This proposed legislation will require DCF to submit federal reports that detail the Department's strategic plan and progress updates to the legislature in accordance with Connecticut

General Statute section 11-4a, in lieu of creating separate reports.

The Department's Child and Family Services Plan lays out DCF's five-year strategic plan to achieve goals that are aligned with the mission and mandates of the agency. The annual progress report, or the APSR, details the steps the Department has taken to achieve its goals as outlined in the CFSP and highlights priorities that have changed over the previous year. The Child and Family Service Review enable ACF, or Administration for Children and Families, to ensure that the state conforms with federal child welfare requirements. They determine outcomes for child welfare cases and assist states in achieving positive outcomes for children and families.

The Program Improvement Plan that is a part of the CFSP comes as a result of that, details actions and steps that improve child welfare practices in response to highlighted sections of the Child and Family Services Review. These reports will be provided to the General Assembly in a comprehensive assessment of the work being conducted by the Department.

In order to properly carry out the intent of the bill, we respectfully request that the phrase, "submission to" be replaced by "approved by" in line sixty-seven. These reports and plans must be approved ACF and we would prefer to submit the final versions as approved by the federal government.

Section four eliminates the mandate to biannually submit progress reports on the implementation of Connecticut's Children Behavioral Health Plan. Also eliminated are obsolete references to completed

reports. We also propose to repeal one-time reporting mandates that have been met and are described in the written testimony further.

Section five repeals provisions under Connecticut General Statute section 46b-129 requiring the Department to report on a number of cases in which an adult with significant relationships to a child has been identified as a permanency resource. Current practice dictates that the Department explores family and fictive kin resources for every child in DCF care. DCF has implemented procedures to search for and engage family members and other close relatives to a child to determine whether they are able to serve as a resource for the child. Due to these efforts, forty-five percent of children in DCF care today are cared for by relatives, which is well ahead of the national average of thirty-three percent.

The Department's aspirational goal is to get that percentage to seventy percent of children in the care of relatives. Given the widespread use of these practices in our continuing efforts to increase placement with relatives and fictive kin, this reporting requirement seems unnecessary. DCF also respectfully requests the committee's consideration of substitute language that will establish qualified residential treatment programs, or QRTPs, in state statute. Connecticut must adopt a QRTP protocol in order to continue to claim federal IV-E reimbursement for the cost of a child's stay in a congregate care facility, pursuant to the federal Family First Prevention Services Act.

Only services provided by facilities that meet the federal requirement for QRTP will be eligible for

federal reimbursement. Absent this legislation, the state stands to lose over \$4 million dollars annually in federal reimbursement to the General Fund. Key components of the proposed legislation include defining qualified residential treatment programs, defining qualified individuals as trained professionals or licensed clinicians who will assess a child's needs and recommend whether the child requires treatment in a QRTP, or can relative care with in-home services or a family or in foster care.

It authorizes the Department to promulgate regulations setting forth QRT requirements and qualifications of the qualified individuals, and it institutes a required court review and determination process for placement in such facilities. The Department has been working closely with several stakeholders on the QRTP language and legislation, including the judicial branch, the Officer of the Attorney General, our federal partners at the Administration for Children and Families. And it means to -- and as a means to improve our local partnerships, the community providers and planning process for the QRTP implementation group, it has been established dedicated to QRTP issues.

The workgroup will assist in determining which professionals and clinicians will be qualified individuals in drafting policy to effectuate the federal law. We continue to move closer to consensus and respectfully request adoption of substitute language so we can continue to work on this proposal.

The Department also submitted testimony in opposition to Raised Bill S.B. 286, AN ACT CONCERNING OUT-OF-HOME PLACEMENT FOR CHILDREN IN THE

CUSTODY OF THE DEPARTMENT OF CHILDREN AND FAMILIES.
The Department acknowledges that relatives, particularly grandparents, are a vital partner in carrying out its mission of protecting children by strengthening families are described in great detail in written testimony the strides that we have made in placing children with relatives.

While DCF's practice has evolved to prioritize relative caregivers when a child cannot remain in his or her -- with his or her birth parent, the Department's concern with Raised Bill S.B. 286 is that it would prioritize one specific group of relatives over others, thus eliminating the natural familial network available to a child. Grandparents provide love, comfort, familiarity and connection to a family's history for a child. Those relationships cannot be overstated. However, other relatives might be in a better position to assume a caretaking role for the child that's entering care.

Legislating a priority scheme for this population would cause much more harm to a child and delay permanency. My written testimony goes into further detail about how existing statutes, policies and practices require DCF to review family members as options when children cannot remain safety at home.

I thank you very much for the opportunity to appear before you. My staff and I are here and available to answer any questions.

REP. LINEHAN (103RD): Thank you very much. That was a lot to testify on, so I appreciate that. So I do have a few questions. On behalf of the committee, can you -- for their benefit, can you talk to them a little bit about what QRTPs are and who they service?

COMMISSIONER DORANTES: So, a qualified residential treatment program is a designation that particular residential facilities will have to meet in order to meet the federal requirements of Family First. So, there are certain things like twenty-four-hour nursing care, for example, is one of the regulations that a QRTP will have to have. And so the federal government has set forth legislation that the residential facilities who have congregate care responsibilities to children have the QRTP language in order for states to seek reimbursement for placement in such facilities.

REP. LINEHAN (103RD): And can you talk about the required court review and determination process for the placement in such facilities?

COMMISSIONER DORANTES: So, that's being finalized at the moment. We're working very closely with our court partners in the judicial branch to -- so they can establish what will be acceptable in court. But that process will include a qualified individual to speak to the assessment of the child for further need for placement in a QRTP. And so the language is very clear about the qualifications and the credentials of such a person to be able to provide that information to the court.

REP. LINEHAN (103RD): Thank you very much. And additionally, what this bill does is it takes a lot of reporting that you are already reporting in other places that maybe would go to the feds.

COMMISSIONER DORANTES: That's right.

REP. LINEHAN (103RD): Or in other such reports. So, I want to ask, is it all consolidation with the exception of the one-time reporting requirements

that were in statute? Or are we -- are there other reports that you just don't feel are necessary?

COMMISSIONER DORANTES: Okay. So, I have my Bureau Chief of Strategic Planning, who can speak specifically to the reports and she can clarify which reports we actually have to produce at the moment.

MS MAZZOTTA: Good morning. Treena Mazzotta, Chief of Strategic Planning with the Department of Children. Thank you for having us here this morning. As the commissioner outlined in her testimony, these specific reports that are outlined right now are specifically in lieu of the agency's strategic plan that get submitted and that meaning we would look to use these reports and submit those that we submit to the feds for approval already, in lieu of the strategic plan, which primarily has focused a lot on the 1f outcomes.

These plans, specifically the CFSP, the APSR, those two most specifically look at not only the 1f outcomes, but those in connection to the national child welfare outcomes that we are working to achieve and being measured by through the federal government. So really the focus on initially that strategic plan and including that in these reports, really, to synthesize the agency's work and consolidate it into one master document really -- I think it also helps us to keep that connection very strategic in terms of what we're working to and being measured by through the government.

REP. LINEHAN (103RD): And that master document will still come before us. It's not that we won't be receiving it; we'll just be receiving it in a different manner.

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MS MAZZOTTA: Absolutely. And a good clarification. Thank you for that. It will absolutely include what has already been submitted. I would also say it probably expands on that and better connects it to the overarching child welfare system goals and I think it also folds nicely into the Family First work that we're doing. So, yes.

REP. LINEHAN (103RD): Thank you. And I know that this is a lot of information that we're throwing at our committee members. And I had asked a month ago, and I know -- it just -- as -- for something that looks like a flowchart that -- so that my committee members understand what they were originally being reported and then where they can find it under this legislation. I think that's going to be important to have so that I can distribute it to the committee before we vote on that.

So, everyone's going to want to make sure that we are not taking away very important data that allows us to not only see where the Department is at and if you're achieving those outcomes, but also it helps us to better understand exactly what the Department is doing and how we can create legislation that might help, help you achieve those outcomes. So, that information would be very, very helpful and as soon as you get that to me, I would absolutely send it to my committee members. And I have no further questions. Any questions from the committee?
Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Madam Chairman. Good to see you this morning, Commissioner.

COMMISSIONER DORANTES: Good to see you too.

REP. KOKORUDA (101ST): I just wanted to ask a couple of things. Section six, when you talked about that it repeals a requirement for one of those reports, section 17a-63. But it goes on to say that the report will be submitted within available appropriations. Well, we all know up here what that means. So -- because we assume that we're really not going to be getting that report. It looks like to give that report would be very costly to your department. This is section six.

MS MAZZOTTA: Yes, the current data structure that we have does not allow us to easily capture that and to have it built into the system. Currently, it would be extremely costly; however, that is a piece of work that's being built into our CT-KIND system, which is our CCWIS system for data collection, and that is a piece that is being worked into that, and that work with CT-KIND is occurring now.

REP. KOKORUDA (101ST): And that report is something that's coming from us, from the General Assembly. Nothing -- there's no federal requirement there. Correct?

MS MAZZOTTA: That's correct.

REP. KOKORUDA (101ST): Okay. Thank you. And then the last thing is just a simple question. When you talk about the qualified residential treatment programs, the QRTPs.

MS MAZZOTTA: Yes.

REP. KOKORUDA (101ST): And you're working with several stakeholders, including local ones that -- are they all onboard with what you're doing? Is this something that we're not gonna hear from other groups saying this is a bad idea?

COMMISSIONER DORANTES: No, they are. And actually, many of the residential providers in the state are very close, if they have not already, achieved QRTP designation. They're very close to achieving that. So, the information that we're getting back is that they are and that we further included them on a working group related to the overall plan for Family First.

REP. KOKORUDA (101ST): Okay. Thank you. Thank you, Madam Chair.

REP. LINEHAN (103RD): Are there any other questions? Hearing none. Thank you very much, Commissioner. We appreciate both of your time. I'd like to call Susan Hamilton, followed by Representative Lanoue.

MS. HAMILTON: Good morning Representative Linehan, Senator Moore and distinguished members of the committee. My name is Susan Hamilton and I am the director of Delinquency Defense and Child Protection with the Public Defender's Office. We appreciate the opportunity to provide some testimony today in connection with Senate Bill 283, which is AN ACT EXTENDING THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION. It's currently entitled provided by the Department of Children and Families.

We support the underlying intent and appreciate the underlying intent of the bill. The concern from our office is really the fiscal impact that would have on our division. Currently, our office is responsible for overseeing all of the assigned counsel that represents children in juvenile court proceedings. I know the bill as currently drafted references the DCF policy, but the entitlement to counsel for children in child abuse cases is really

driven by the statutory sections that are listed here.

It's 46b-120, which defines a child as anybody under the -- at least for this purpose, anybody under the age of eighteen, and then also 46b-129a is the statutory section that gives rise to this right to counsel for children. I did want to note that although our office does not currently provide access to representation after the age of eighteen for youth in DCF care, DCF does continue to provide support and resources to children post-eighteen and in certain areas all the way up to the age of twenty-three in a host of areas.

I did reference the DCF policy site that outlines the services that continue to be provided. It does include case management support, educational support to complete high school, college, trade school, financial support for driver's licenses, life skills training, transitional living programs, housing assistance and other support services.

Our office does currently also provide resources to the Center for Children's Advocacy, in light of the importance of this issue, to represent young folks over the age of eighteen when DCF is seeking to terminate benefits that they're currently providing. What we fund is basically the oversight and training of pro bono lawyers from the private bar that are able to represent these youth in administrative hearings before DCF when that -- when they're seeking to terminate those benefits.

We do not by any means dispute the need for additional advocacy for youth after they turn eighteen. Our concern really deals with the resources that would be required to do that. And if

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resources were made available, our position is that there's a lot of work that we believe needs to be done to improve the access and overall quality of representation that they're getting before they turn eighteen that we hope would eliminate the number of kids that are aging out without having a permanent family.

Currently, a lawyer representing a child in a -- and a parent in a child protection case receives a \$500 flat rate for the entire life of the case. As many of you probably know, these cases can unfortunately sometimes go on for many years, and that's the only payment that they get. Asking the lawyers to continue to represent kids for many additional years following their eighteenth birthday, while we would support that, we would not be able to ask them to do that without additional resources.

We think that currently there are approximately 450, maybe slightly less, youth who are over the age of eighteen who are currently remaining in the care of DCF. We would likely need to treat that as a new case, and if we were to pay the additional flat rate for that population, it would probably give rise to approximately \$255,000 additional dollars that we would need to include in our budget. That would just cover the flat rate, not any additional resources that might be needed to actually handle the cases in court.

There's no question that more attention needs to be paid to the young people who exiting DCF care without achieving permanency and many of the services that DCF does currently offer, some are, unfortunately -- not all of the kids are eligible for them. There's certain things, certain criteria

in the policy that the kids need to be involved with in order to continue to receive the service. But I think we need to continue to improve the overall quality and advocacy under the age of eighteen to help minimize the concern of all the young people that we're seeing currently in the system aging out without permanent connections.

We will also continue to work with -- regardless of what happens with this legislation and funding for it, continue to work with the non-profit community and the private bar to see if there ways to maximize pro bono representation for kids post-eighteen, because they do sincerely need that. So, we do appreciate the opportunity to provide this testimony. I'm happy to answer any questions.

REP. LINEHAN (103RD): Thank you very much for your testimony and your time. I do have a few questions. You said that there's approximately 450 children right now who would fit into this 18-23. Do you know what that number would be reduced to if it was 18-21?

MS. HAMILTON: Well, this was all kids over the age of eighteen. I may be able to get that information for you or I could get that from DCF. So, what I did inquire was anybody over the age of eighteen currently, would be 450, with the cap -- yeah.

REP. LINEHAN (103RD): Okay. One of the things that I heard you say was that you believe that this would -- it would be helpful if DCF had a better opportunity to prepare these kids for permanency as they approach their eighteenth birthday. But what I've learned from DCF is that this program actually begins at the age of seventeen, year before this transition, and that the nature of kids being kids

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is sometimes the fact that they're not necessarily ready to accept that responsibility and don't do the work that they need to do. And that really doesn't have anything to do with the fact that it's a child in DCF care. It has the fact to do with it's a child.

So, is there an opportunity then for -- and of course I'm speaking off the cuff, so we'll talk about this, Commissioner, I promise. Is there an opportunity then to work closer with the department so that you can help with that? I mean, I think that if we're talking about we don't want to pass this legislation because it's going to cost your department more money, well then maybe part of the answer would be having your department be better invested in getting these kids ready starting at their seventeenth birthday.

MS. HAMILTON: I -- we actually do work very closely with the department and all of the children in DCF care do have a lawyer representing them throughout the course of their DCF involvement.

REP. LINEHAN (103RD): Right.

MS. HAMILTON: And so -- and actually, I think that the planning, the transition planning, actually even starts earlier than that.

REP. LINEHAN (103RD): Okay.

MS. HAMILTON: And I -- and so I would agree with that and we do work in partnership with them. I would note that the only -- there's lot of advocacy that's needed for these young folks who are in DCF care who have not been able to achieve permanency prior to their eighteenth birthday. The ongoing juvenile court piece for post -- for kids that are

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over the age of eighteen is really an annual permanency hearing.

Not to minimize the importance of a one-year -- you know, a hearing once a year, but more of the advocacy really needs to be focused on the administrative piece. Our lawyers are able, before the age of eighteen, to be paid to go to administrative case reviews and other internal DCF planning meetings. And that's really for the population over the age of eighteen, that's really where a lot of advocacy, I think, needs to happen. And so that may be something to explore in terms of being able to provide some additional funding for certain activities, rather than just, you know, a flat rate that would be provided for the case in court.

Because really the juvenile court, you know, has an annual and is voluntary and usually those annual permits and hearings are the young person, the DCF worker and family and potentially a family resource that might be involved in that hearing moving forward. But a lot of the work really goes on at the department in connection with those cases.

REP. LINEHAN (103RD): Andy you had mentioned in your testimony that you -- your department trains some pro bono lawyers.

MS. HAMILTON: Mm-hmm.

REP. LINEHAN (103RD): And so the question then is, is there a shortage of appropriate pro bono lawyers?

MS. HAMILTON: Well, what we did was we had some training dollars available over the last couple of years and we were able -- and I think in light of the fact that we do think this is a gap in service

to young people, provided funding to this. We contracted with the Center for Children's Advocacy to oversee the training of private lawyers in this community to handle certain administrative proceedings. Primarily, they were related to cases where DCF is seeking to terminate a benefit that's being provided to a young person over the age of eighteen, and those pro bono lawyers are providing that advocacy at administrative hearings for those young folks.

REP. LINEHAN (103RD): This committee is going to hear testimony from a wonderful young man who this legislation would affect personally. Before we hear from him -- and it's -- I'm quite confident it's gonna be pretty convincing testimony. If money were made available, then I just want to reiterate that your department would wholeheartedly support this and you believe that there is a need.

MS. HAMILTON: I believe that there is a need and if sufficient resources made available, we don't dispute in any way the need for the post-eighteen representation.

REP. LINEHAN (103RD): Excellent. Thank you very much. Are there any questions from the committee? Hearing none. Thank you very much. We have Representative Lanoue, followed by Commissioner Bye.

REP. LANOUE (45TH): Good morning. Thank you, Madam Chair, Ranking Member Green, members of the committee. For the record, I'm Representative Lanoue from the 45th District and I'm here to testify in favor and support of H.B. 53356, AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF LICENSED YOUTH CAMPS.

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We were here last year and I recall it was almost a year and a half ago now when I was the representative elect. I was coming up here for orientation and I was watching a new segment on a national news station where there was a little boy from Texas, named Michael, who nine years old, was an outstanding student, was doing extremely well in school, was involved in many great school programs and absolutely shined and was a model student kid. He had gone away to camp. He returned a couple of weeks later. And he came back a very different child.

A mother's instinct knew there was something wrong. Come to find out he was sexually molested by his camp counselor. This individual was -- did similar behavior and was fired at another camp years earlier. Had they picked up on that and done a background check, they would have discovered that. Under Texas law it's not -- it wasn't required. There's a map of the United States and there was, I believe, seventeen states that also required no such check. Connecticut was one of them.

So, again, I think that in 20 -- by 2020, this needs to change. And I want to make absolutely clear. This legislation is not an attack on our camps, our youth camps. It's a wonderful, wonderful growing process for many, many young people in our state and country. This is to make them stronger and to ensure that we have uniformity and that every child is protected and can enjoy that experience to its absolute utmost.

However, when I was doing the research last year for by bill proposal, there was a -- the *New York Times* had infiltrated a chat room for self-proclaimed

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pedophiles, and they talked about one of the ideal places to target a child is at a children's camp. And they actually -- when they were communicating with each other, and one said, well, I've already been convicted and they would -- well, they said, well, there's certain states that don't even require checks, and Connecticut being mentioned.

So, there were twenty-one cases of sexual abuse reported in 2018 alone. And there was a recent newspaper article, a big exposé, this year where there was a camp counselor from Eastern Connecticut that had sexually molested several young boys as young as ten years old.

So, I'm gonna ask the members of the committee ask yourselves what's this guy name? Quite frankly, I don't know it. I don't care to remember it. But that's why we need background checks. That's why we need to do a check. Because we don't know -- somebody can look great on paper, the qualifications, the resume, the certifications, can look great, but when you look into the background you could find something like this there. That's why I think the time has come. We need to do the background checks. Let's do it right. Let's add this layer of protection. And out of respect to this little boy in Texas, Michael, and his mother, who did a lot of phenomenal work to try to move this agenda forward on the national level, I would really like to call this "Michaels Law."

And one part of the bill, the way it's currently drafted, that I just don't understand and hopefully can get clarification, is there's a provision in there exempting state-run youth camps. I'd like to know why that is. But with that said, I want to

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thank you, Madam Chair. I want to thank Ranking Member Green for all of your hard work to get us to this point. And I want to thank the twenty-two co-sponsors and that either co-sponsored or cosigned the letter or the legislation last year, advocating for this to get to this point. Again, I want to thank the commissioner and OEC for all your hard work and consideration in this matter. And I look forward to seeing this become law. Thank you very much.

REP. LINEHAN (103RD): Thank you very much, Representative. I appreciate you coming here and advocating for this legislation. This committee has been very vocal in the fact that one of our priorities this year is to protect kids from sexual abuse. We have a variety of bills and a whole package of bills that would go to fight sexual abuse of children.

To answer your question regarding why the state camps would be exempt, the state-run camps that take care for kids and DCF camps already do this. So, it would just be an additional expense on them, but they are already required under the law to do that. So, what we're doing is making sure that it's not additional on that.

As to your request to name this after the young boy in Texas, while I agree with you that his advocacy and his parents' advocacy might've been the stepping stone, here, at the Connecticut Legislature and the Connecticut Committee on Children, we are really focused on Connecticut children and I would like everyone to take a look around. Because I will guarantee that most people in this room either know or love someone who was sexually abused as a child.

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That is why we put these bills forward and that's why we do that for Connecticut children.

REP. LANOUE (45TH): And I appreciate, again, your work on this. And I think the idea here is we've got to have this become law. And I agree. I think every child matters very, very much and it's very, very important, whether they're a resident here or they come into Connecticut to be part of a camp, we need to make sure every child who camps in Connecticut is absolutely safe. We know who these people are who are watching them and that we -- and this transcends politics.

REP. LINEHAN (103RD): I couldn't agree more.

REP. LANOUE (45TH): And that's why I want to congratulate you and Ranking Member Green and the members of the legislature who really on a bipartisan basis, really a nonpartisan way, we came together and said this has to happen. So, again, I thank you for your consideration on this legislation.

REP. LINEHAN (103RD): Absolutely. Are there any questions from my co-chair? Senator? No questions? All right. Representative Boyd.

REP. BOYD (50TH): Thank you. Thank you, Madam Chair. And thank you, Brian, for your advocacy. You know, this hits home for me, obviously. I've been in the summer camp business for twenty-three years. I started as a lifeguard on the waterfront and have been a camp director for fifteen years. So, this really is something that's in my own backyard. And I'll tell you, as a camp director, the one thing that keeps you up at night if you are in camps in session is the health and safety of the

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campers that are in your care. You know, parents trust their most valuable possession to schools and, really, camps, and it's an obligation of camps and camp staff to have the best safety environment in all aspects, including this.

And I totally agree with you on that we need to do it right piece. Like, I don't think you would have a single camp counselor or camp director that would come before us and oppose background checks, particularly in 2020. I just don't see it. Because in order to remain competitive, in order to be -- you know, set the right environment, you've got to do background checks. The issue comes down to a procedure and process and the capacity of government to do it.

Now, this bill -- and I spent a lot of time with you last year as well as with the chairs, working on this. This bill is very different than the concept that you proposed last year. Could you just kind of walk through a little bit, kind of the differences between what this committee actually JF'ed last year and went to Judiciary, I think, or it went -- it stopped somewhere else on the way to the floor, but. So, this bill's different. Can you just kind of highlight the difference and kind of what your thoughts are?

REP. LANOUE (45TH): I mean, there certainly are some differences. I know I had -- I -- the letter that I proposed this year, I wanted to start off with, I think, overnight counselors. That was the stepping stone. The committee took it to the next level last year for many different youth camp employees. The -- which I think was an appropriate step. I certainly don't oppose that. And I think

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it's just -- we're obviously going through a fingerprint -- it looks like we're to call for fingerprints here. And there was certainly some changes and -- but for the most part I'm okay and I think this is moving the -- this is moving the pendulum forward here. And again, I congratulate the committee for your hard work and diligence on this.

REP. BOYD (50TH): Yes. Because basically, last year, we were requiring camps to run through different lists that were maintained. This one uses the Care for Kids requirement, which is running the federal background checks off the FBI piece. I mean, how do you feel about the fact that we have, and I may have the numbers wrong, but I believe OEC licenses over 300 and something camps in the state, and we have -- that are license that need to follow regulations that have passed a regulation review and evolve?

I will tell you that in the fifteen years I've been a camp director, camp regulations have gotten more particular, training requirements, follow-up requirements, everything from sanitary requirements, have gone up. Most of the OEC licensed camps also hold an accreditation from the ACA, the scouts, folks that have, frankly, even more requirements, a book about this big, that they need to -- but yet we have a whole segment of camps in the state that are not licensed by OEC because simply they're run by municipalities.

So, if you're a fill-in-the-blank recreation department and you're running a day -- and I believe the case that you were referencing in Eastern Connecticut was a municipal-run recreation

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department day camp. I could be wrong, but I believe that's the case. And under this proposed legislation, those camps are not gonna be subject to this, nor are they subject to the stringent OEC regulations at all. And I struggle with that because we've set up a double standard. And I'm just curious on your thoughts on that piece.

REP. LANOUE (45TH): Well, just to correct that. That was -- I believe it was actually the -- it was a Boy Scout leader up there in Eastern -- Northeastern Connecticut. But I won't belabor the point. The issue I think with municipals, the municipal camp, if it's a camp that's strictly run by one town and within that town it's -- they only accept kids from that one particular town and the town's people may decide for themselves that we have two, three, four counselors. We know who these people are. We know how these employees are. They've been here their whole lives. We don't think it's necessary. I think that should be a decision on the municipal level, at the town level, in those particular cases.

But when we start talking regional, where kids are coming in from different regions, different towns, particularly different states, parents need to know there's uniformity with the law on requiring background checks.

REP. BOYD (50TH): So, you don't think -- because I think the same rationale you just placed on the municipal camps could be applied to, I'll just, you know, pick on the day camp in Darien, the YMCA day camp, which operates, in effect, as a municipality for that time. You could put the same framework there that, you know, if we're gonna do this because

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we think it's important, I think we need to do it because we think it's important across -- it doesn't matter who's running your camp.

If it's a private entity, a nonprofit or a municipality, the risk is still there, right? Parents still need to know that -- as you just said, there needs to be a uniformity and I really struggle with the fact that we're only looking at the groups of camps that are already regulated, right, and we're not looking at what -- a municipality may decide that they don't want to have any type of, you know, protocols on first-aid. They don't want to have, you know, standard doctor's orders or these types of things. So, I think -- I think we're asking for trouble, if we're looking for uniformity, and then we're exempting hundreds of camps just because of who runs them.

I guess the last question I have for you is, you know, when we're looking at, you know, nationwide there's a lot of states -- as you stated, some states do nothing. You know, Connecticut is pretty highly regulated in that area. But, you know, my understanding is, and I was looking at an ACA document, that there's only one state that does require the fingerprinting for all their camp sites. I think it's Pennsylvania. We would be the second. And I'm just curious for your thoughts on that.

REP. LANOUE (45TH): Yeah, it's an additional layer of protection and I think we have to make sure -- we want to be the standard bearer in Connecticut to make sure our kids are the safest they can possibly be at camp and we need to make sure we have very good protocols in place in law to make sure that that is the case. So, if that means fingerprints,

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we can include fingerprints. But we want to make sure that -- the bottom line is we've gotta make sure these people are properly vetted, we know who we're dealing with, we know who these people are, and that when you send your kid to camp, away to camp, where these people assume the role of parents a lot of times for several days or nights, weeks at a time, we need to know who these people are. And we need to know that's properly done. And again, many --

REP. BOYD (50TH): I'm with you a hundred percent on that, Brian, a hundred percent.

REP. LANOUE (45TH): And many, many, many, many camps in this state, they do it and they do it well and we congratulate them. But we want to make sure we have uniformity on this and that when you send your kid away to camp for a day, for a night, you're comfortable knowing it was done properly.

REP. BOYD (50TH): A hundred with you. Thank you for testifying. Thank you, Madam Chair.

REP. LINEHAN (103RD): Thank you, Representative. Yes, Representative Hayes.

REP. HAYES (51ST): Thank you, Madam Chair. Good morning, Brian. How are you?

REP. LANOUE (45TH): How are you Representative?

REP. HAYES (51ST): You know, as you know, I did thirty-three years in law enforcement and I did so many more of these types of investigations than I'd like to remember. I think this is great and I support this bill wholeheartedly. I do agree with Representative Boyd that I'd like to see no

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exemptions on this and I'd like to see it spread across every camp that we deal with.

I guess my question to you would be -- I have concerns about the turnaround time on these background checks. You know, from my experience, it can take several weeks and I'm thinking that a lot of these camps are part-time employees that are hired in a very short period to the beginning of the camp. And I'm concerned about the background turnout time and I'm just wondering if you can tell me anything about that.

REP. BOYD (50TH): Yeah, I know the -- Commissioner Bye, I believe I read in her testimony from last session that it could take -- it takes three or four months to possibly turn around a background check, and that was one of the hurdles last time. From what I read in her testimony in October of '19, they were supposed to have that narrowed. The time was supposed to be significantly less. It was required by federal law. So, I'll defer to her with her testimony coming up as far as where they're at with that.

But I'll tell you, in 2020, I think we should -- I worked in campus safety at a college and after I was hired they had to do a background check before I could start work. And it was a matter of a couple of days they had it turned around and I was cleared and able to go to work. So, I think with all the technology and what we have at our disposal in 2020, we should be able to move this very quickly.

REP. HAYES (51ST): Okay. Thank you. I look forward to more information on that, because that is my concern. I know you've worked very, very hard on this bill. We've talked about it a number of times.

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I want to thank you for that. I appreciate it and I will support it for you.

REP. LANOUE (45TH): Thank you, Representative. And again, I want to thank -- there's a lot more people than just me. We worked very, very hard on this, as Representative Boyd, Chairman Linehan, Ranking Member Green. It was -- a lot of people worked very hard. So, I thank you all for that.

REP. LINEHAN (103RD): Are there any other questions? Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. Representative, thank you for sticking with this and being back this year. And I think this is an important bill and just like we've heard from Representative Hayes, I totally agree with Representative Boyd. Many years ago I was involved with four summer camps every summer and we got the American Camping Association certification and also a -- that was one of the ways we sold our camp, because we were certified. And really, we've got to get to the point where there all certified. And of course that before the days of OEC, so we didn't have that added advantage.

And you're right about the background checks. We all remember up here about the issue with bus drivers. We had such a time. And the bus drivers, they just drive that one town. It's local people. But you still need the background check. So, I totally agree. Municipalities are doing more and more of these things. You know, Chairman Linehan said it, every one of knows somebody that this has happened to. And I'm right now dealing with a forty-something-year-old woman with posttraumatic syndrome from something that happened to her as a teenager. And so I want to thank you for this. I

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totally support it. I think there are no exceptions to this.

One question, eighteen and over, can you not do a background check on a sixteen-year-old, because camp counselors are sixteen, seventeen, eighteen years old? Or is eighteen the limit of when you can do it? That was my only question.

REP. LANOUE (45TH): Well, I do have concerns for that. But, you know, again, if we can take care of the lion's share and we can get more people -- move the bill in the right direction where we'd get a law where we get more and more people background checked, I think it's a good thing. But I do agree with you, that is a sticking point and hopefully we can work on that in the future as well.

REP. KOKORUDA (101ST): You know one thing, just that I remember my camp director of my biggest -- the biggest camp, he said to me -- I was really sort of new to the field, and he said to me we have a zero tolerance. Even with a counselor, if there was an overnight and the counselor didn't stay with his group and walked off, he was gone. This child -- this was many years ago. This child safety has to be zero tolerance and I think doing something like this definitely will get us there. Thank you.

REP. LANOUE (45TH): Thank you, Representative. I appreciate it.

REP. LINEHAN (103RD): Any other questions? I just have a few final questions. You specifically mentioned that you understand that sometimes these things need to move in baby steps. I mean, those are my words, not yours. But you wanted to at least get things moving, right. And you were looking at

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the possibility of exempting sixteen year olds. I mean, obviously we have a problem with that because court records are sealed and so. But additionally -
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REP. LANOUE (45TH): Well, let me just be clear. I have no problem with verifying sixteen, seventeen year olds, anybody who is a camp employee, to me, should be properly checked.

REP. LINEHAN (103RD): Right.

REP. LANOUE (45TH): I have no objection to that.

REP. LINEHAN (103RD): But there are some roadblocks to actually having that done. So, if this bill was to move forward without having someone who is fifteen, sixteen, seventeen years old fingerprinted and having that background check, would you still support that bill?

REP. LANOUE (45TH): I think that the language that's currently in here it does say eighteen and over. And I do support the bill.

REP. LINEHAN (103RD): Great.

REP. LANOUE (45TH): I think -- again, that's moving it forward and I would support the bill.

REP. LINEHAN (103RD): We all know that, you know, my nickname in the building is Veruca Salt; don't care how, I want it now. But I am learning that sometimes we need to go by baby steps and that things do need to get passed out of committee and onto the floor.

One of the things I wanted to ask you about is I don't know if you had an opportunity to look at the other bills in front of this committee, but there is

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bill 5335, AN ACT CONCERNING THE PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE. And what that does is any child-serving sports outlet or group, that it would require at the time of -- that a parent signs them up, they get information as to what grooming looks like, what is appropriate behavior between adult and child. It also requires that any adult in the supervision of children has to yearly look at and sign off on what the appropriate interaction with a child is. Given that information, do you believe that if 5335 passes and that includes camp counselors, that that is yet another layer of protection for these children, that we are also alerting parents as to what to look for and putting people on notice as to what exactly is the proper behavior with a child?

REP. LANOUE (45TH): I would have to look at the -- I like the concept, but I'd have to look -- I would have to read the bill.

REP. LINEHAN (103RD): I'd appreciate it if you would take a look at that and let us know, because I think that these things work in concert. And that bill is something that we're hearing today, so I'd be interested in having you look at that and get back to the committee.

REP. LANOUE (45TH): Sure. But I think -- again, the background check piece, this is to ensure we know who these people are, what people have done in the past, what they've been convicted of, that we don't let somebody in that has a serious record.

REP. LINEHAN (103RD): Agreed.

REP. LANOUE (45TH): We know it's not bulletproof, but it goes a long way. It's a much better layer.

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REP. LINEHAN (103RD): Agreed. Thank you very much.

REP. LANOUE (45TH): Thank you, Madam Chair.

REP. LINEHAN (103RD): Can we have Commissioner Bye, please, followed by Sarah Eagan. Good morning, Commissioner.

COMMISSIONER BYE: It is still morning? Good morning.

REP. LINEHAN (103RD): It is.

COMMISSIONER BYE: Good morning Senator Moore, Representative Linehan, Senator Kelly, Representative Green and distinguished members of the Committee on Children. My name is Beth Bye. I'm the Commissioner of the Office of Early Childhood. I'm here to testify concerning House Bill 5336, AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF LICENSED YOUTH CAMPS, 5328, AN ACT CONCERNING THE ROLE OF BIRTH-TO-THREE SERVICE PROVIDERS AT PLANNING AND PLACEMENT TEAM MEETINGS.

Let me start with the licensed youth camps. H.B. 5336 would require licensed youth camps to have staff eighteen years and older undergo comprehensive fingerprint background checks. Background checks are an essential safeguard to protect the health and safety of children and the requirement would align background check policy with that that is currently applied to all licensed family child care homes, group child care homes, and child care centers. Current federal law requires that any youth camp, licensed or license-exempt, that receives Care 4 Kids, that they get that child care subsidy, must have staff undergo comprehensive fingerprint background checks.

This policy is in place today. This bill would expand the comprehensive background checks to all licensed youth camps regardless of the Care 4 Kids subsidy program. The OEC staff have thought long and hard about the situation and believe that all children attending camps, regardless of Care 4 Kids participation, deserve the same health and safety protections. Furthermore, OEC has concerns that if background checks do not apply to all licensed youth camps, camps that have a long history of accepting Care 4 Kids may not do so, leaving hundreds of lower-income children with no care for their children during the summer months. This would potentially leave children in unsafe conditions without access to licensed youth camp care.

The OEC has made significant strides over the past twelve months to improve the background check system, to some of the questions that just came. We've been working very collaboratively with DESPP and Commissioner Rovella, and the time to process background checks has been reduced from as long as four months to two to four weeks. LiveScan fingerprint devices that allow digital collection and electronic submission of fingerprints to the State Police have been purchased and are ready to be made available locally to camp providers and other providers. These machines increase the availability of fingerprint collection sites. And also there's a big problem with smudged fingerprints where a good number get rejected.

In addition, we've launched a background check information system. We've made significant investments to alert camps and child care programs about the status of fingerprints. This is just in its pilot phase, but it's out there now. Finally,

DESPP is building out a new criminal background check system that, once in place, will reduce turnaround time to 24-48 hours. The OEC has met with the Youth Camp Association leadership, Youth Camp Safety Advisory Council to discuss our proposal. And I personally have gone to the safety meeting. Met last week with members of the Youth Camp organizations and I think we all really share the same goals. Everybody wants children safe. They both want them to have a place to go and they want to make sure the people overseeing that care are safe.

I thought the Representative Lanoue did a nice job of just making it real. Here's who we're protecting against people. So, I appreciated that. We still know that there are some ongoing issues that are unresolved and we're open to thoughtful discussion and planning around timelines, modifications and the implementation of the background check requirements. Ultimately, OEC's priority is to ensure the health and safety of children. I believe our youth camp organizations share the same goal. Concerns about logistics, timing and costs are fair and we are working collaboratively to address those challenges.

Our committee is open. Our office is open to working with this committee towards the goal of implementing background checks. It cannot happen too soon because there are families out there and children out there, and as Representative Kokoruda was saying, we do all know somebody, and you were saying it too, Representative Linehan, who has suffered at the hands of a predator. And so, we believe that background checks are a deterrent. As much as it's about catching, it's about knowing that you're gonna be fingerprinted. That helps as a

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preventative measure. So, I thank you for that. Now, do you want me to stop here and then go to the birth-to-three bill or testify about both? Okay.

I want to start by personally appreciating the goals of House Bill 5328. As a birth-to-three parent and as an early childhood provider who has been in planning and placement meetings, and had sometimes uncomfortable and what I felt like were not respectful conversations at that time in my life and on behalf of other families, I know exactly what this bill is trying to address and I'm -- I really appreciate it.

The OEC believes that it's optimal that birth-to-three practitioners attend planning and placement team meetings to support a smooth transition from part C to part B services. This bill also seeks to ensure that birth-to-three staff have a voice while supporting families. Section one of the bill states that parents shall have a right to have the birth-to-three service coordinator present at the meeting. This is a very important standard. We do think, though, that this language is not needed because of IDEA, school districts are required to invite service coordinators to PPT meetings at the request of the family.

If the family says I don't want my birth-to-three provider there, the family has the right currently to say that. Birth-to-three, as many of you know, is a very, very family-centered program. The idea is you're trying to help parents help their children. You're trying to help parents learn how to be an advocate for their family. Supports provided to families through part C of IDEA are very different from the education services provided by

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the school. The PPT meeting is used to determine the appropriate services for an IEP. The role of the birth-to-three practitioners at a PPT meeting is to assist and support caregivers with enhancing the functional development of the child with an emphasis on specific developmental areas appropriately tailored to each child's needs.

We need to be very careful in defining this role because EI, early intervention services, is described in the state Medicaid plan. So we need to be careful with the language here that we don't jeopardize Medicaid reimbursement, because the Medicaid reimbursement for that meeting is in their role of supporting the family, not in their role as an educational consultant or expert. Regarding Section two of the bill, we want to clarify that OEC does not hire birth-to-three practitioners directly and does not have procedures or policies on disciplining, suspending, terminating, or punishing individuals.

The OEC believes that each birth-to-three program understands how to support their staff and their subcontractors, and we've got to go with the professionals who we contract with. OEC appreciates the intent of this bill to ensure an appropriate and supportive transition from part C to part B, and we are really open to discussions about how to best promote the best possible outcomes for families and for children with special needs. Thank you.

REP. LINEHAN (103RD): Thank you very much, Commissioner. I appreciate your testimony, as I'm sure we all do. I have a few questions. And we'll start with the birth-to-three bill.

COMMISSIONER BYE: Sure.

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REP. LINEHAN (103RD): So, in your testimony, you say that because of IDEA that that particular piece already invites service coordinators to the PPT at the request of the family. So, then this bill coming to us came because they feel that it's not happening enough. Right? So, is there anything that we -- that you think we could do in this legislation to ensure that families actually know that they have the right?

COMMISSIONER BYE: That's a really interesting point, Representative Linehan. Because I agree -- I agree that parents certainly don't always know their rights. I know that they're given information, but they don't really have a navigator. I think that one thing that could happen is that our agency could send out guidance, clear guidance, to birth-to-three providers that part of their role is assuring that providers know that they have the right to bring anyone they want to a PPT.

I bet a number of you sitting up there have been to a PPT. It is one of the most intimidating experiences as a parent, even as an advocate, even with a master's in child development. And so, I think we can't stress enough to parents that you may want to bring someone with you. And the beauty of a birth-to-three provider, they know the parent and they know the child. So, it really is the perfect person. So, we -- you know, we could certainly issue guidance like that. In terms of mandating something, I think you'd need to think about ways to do that. But there could be a way that SDE is notified -- notifies public schools that all their special ed directors are aware and tell the special ed supervisors that parents may bring a birth-to-three provider or other advocate to any PPT.

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I think most districts are aware of that. I mean, I will say I've been present when the provider was there and not heard, which is why I think it's so great that the -- the approach has changed so much since I was a parent. The approach now is, even having been out on home visit with a birth-to-three provider, their job is to tell -- show the parent how to play, interact with the kids, show the parent how to do the activity to help their child learn to sort or count or help with their language. And I think very much in the same way, birth-to-three's role is very clearly now to support the parent being an advocate, because the parent has very specific rights in a PPT. And they're trying to impress that upon the child.

So, you know, I know things change over time and this has been, I think, a real important improvement in birth-to-three services over the past twenty years.

REP. LINEHAN (103RD): And I'll agree with that. I guess my concern is -- and I appreciate you just working with me off the cuff. But my concern is that we were talking about notifying -- SDE notifying the schools. And I think it needs to be direct to parent. So, do you have that ability? Because I know that as a parent, I want to know what my rights are and I know that SDE could tell them, but maybe they won't or, you know -- and we're asking them to do a whole lot more every year to just another thing. Is there a way through OEC to get that information directly to birth-to-three parents?

COMMISSIONER BYE: I believe so. You know, I can talk to my folks. I do know that when you get a

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notice of a PPT meeting, you get a very big packet of your rights at the PPT meeting. My guess is in there outlined is that this is true. We -- because we work with outside contractors, you know, for us, we communicate with the contractors. Could we consider putting in their contract that you will notify families that you are welcome to attend the PPT with them and we could, the next time we went RFP, put something like that in the contract. We could certainly issue a letter from the commissioner saying please be sure your families are aware of this now, you know. And I'd be willing -- certainly willing to do something like that. Because I think it is an important thing for the families.

REP. LINEHAN (103RD): Thank you very much. So, I look forward to continuing that conversation as we move this bill along. I think it's one of those that we're all on the same page as to what we want to accomplish. We just need to work out how we can actually do that. So, thank you. Are there any questions for the Commissioner? Senator Moore.

SENATOR MOORE (22ND): Thank you, Commissioner Bye. So, we worked together earlier with the Surgeon General and you heard him say about giving information. When people are bombarded with so much information how, you know, it's just too much for them to comprehend when they're in crisis. But for this, I would think that there was a way, not only to put it on the provider, but to put it on someone at -- I don't know if they have navigators, but put it on someone the day before. The letter goes out to just highlight in bold that, you know, you have -- this is your right. It seems like when you get a package of information on anything -- you know, I

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just picked up a package. Am I gonna read it all? Probably not. I'm gonna scan through it.

But there's got to be a way to highlight them. We don't want to have to create legislation if there's something in place. We just need to be able to enforce the legislation that we do put through and the guidelines that are already in place so we're not creating more work for anybody. It really is the provider of the services to make sure they're doing their job, and that should probably be done during an evaluation. Have you done this? Like a check and balance with the parents when they get there. Did you know that you could have someone with you? And then to say --

COMMISSIONER BYE: Yeah. So a pre-PPT planning, for example.

SENATOR MOORE (22ND): Right, right. So, that was one thought. And then the other I wanted to go back to 5336, the background check. So, in your testimony you said you acknowledged the improvements, but there's more to be done. What are the other types of things that you think need to be done in the way of protecting our children with the background checks?

COMMISSIONER BYE: Well, I think I was speaking that we've made big improvements in how quickly we've gone from a four-month period wait time to two to four weeks for us to get the background checks back and then another week to run through the rest of -- because when we get them back from the feds, we also check the DCF list, the sexual offender list. And I have Mike Curly here from the medical -- from our legal division, who can update you on that. But I'm just saying we need to do more. We need to make it

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faster. And I do think camps have a different challenge than childcare centers in that they ratchet up their staff.

We met with the camps, who are sympathetic and care about safety of kids, but who are, like, sometimes I hire someone and they leave the next week. And now I've got these kids and I've got certain ratios I need to maintain and I can't get the background check. So, you know, I think -- and I heard Representative Boyd talk about the accreditation of camps, you know, accredited camps are already meeting a different standard. So, I think -- I think we need to be sure. Now, we've asked the bill not to start for this summer, but for the next summer to allow for the DESPP system to be in place, which will go from two to four weeks to twenty-four to forty-eight hours in terms of how far it takes -- how long it takes to come back. But I'll just ask Mike Curly, our legal division director, to just talk about the improvements that are happening with DESPP and what the timeline is for those if you don't mind, Mike.

MR. CURLY: Good morning. Michael Curly, chief legal counsel for OEC. So, as Commissioner Bye said, we've made tremendous improvement in that timeline. In times in 2018, it was taking four months and we've now improved that to two to four weeks. And with DESPP's new system that's targeted for the end of 2020, that timeline would go all the way down to twenty-four to forty-eight hours.

There are other aspects of the comprehensive background check that's required by federal law, including the DCF check, out-of-state checks for any state that someone has resided in the past five

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years, and sex offender registry checks in Connecticut and in any state someone has resided in the past five years. So, those additional components can take additional time. So, we are working to improve the process generally, improve the rejection rate, as it was mentioned in a testimony with the LiveScan digital fingerprinting machines, which can shorten the timeline as well because every time the fingerprints are rejected, someone has to start from the beginning and extends that timeline. So, we're making as many improvements as possible, but that is in progress right now. We're not exactly where we want to be just yet.

SENATOR MOORE (22ND): The LiveScan, do the state police have them or are they local? Where are they?

MR. CURLY: So, the OEC has partnered with the United Way to purchase three LiveScan machines, and one is housed in their headquarters in Rocky Hill and the other two will be mobile throughout the state. We're finalizing the forms that are required to utilize those machines fully. So, they will be rolled out more fully in the coming month or two.

REP. LINEHAN (103RD): You're welcome.
Representative Boyd.

REP. BOYD (50TH): Thank you, Madam Chair. And thank you, Commissioner. I just want to say this publicly as well that in the fifteen years that I've been a camp director, OEC -- I haven't been around long enough when DPH had youth camps. That OEC and the staff that you have and particularly Valerie Bryant and her group are topnotch and they're out there to serve and support the licensed youth camps

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in Connecticut. So, you run a good organization and we appreciate that.

I also appreciate, you know, the fact that, you know, you've kind of narrowed it down to -- there's broad agreement. As I was saying to Representative Lanoue, you know, there cannot be a camp in the State of Connecticut that is against making sure they have a top quality staff. It's just -- it's incomprehensible in 2020 that anybody would be opposed to that. But as you know, government is sometimes a very clanky operation and I'm sure you have great perspectives now sitting on that side of the fence rather than this side of the fence.

And logistics, timing and costs are three big things that has camps concerned, you know. And there are things that, you know, can be worked out, but it's -- you know, it's gotta take some time and there's gotta be some assurances because I believe the biggest concern amongst camp directors and youth-serving organizations is that we put a law into place and we talk about things that we're working on, to your point, and those are great. But I guess the concern is what if we can't live up to our aspirational service providing, you know, from the state and what is that gonna look like on an operational level when you're trying to, you know, deliver a service. And, you know, camping is a pretty big, you know, operation. It's an economic development thing. There are people -- there are kids that come to camp in Connecticut just to do that, you know, that are not residents here.

You know, so, along those lines, just a couple of quick questions. We had a little bit of a dialog with Representative Lanoue about kind of that whole

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other piece. And you were very careful in your language to say licensed youth camps. You know, that you support a comprehensive background check for licensed youth camps regardless of Care 4 Kids participation. I mean, we're struggling, not just looking at OEC, but looking at the entire camp business, in that we have hundreds and hundreds of municipal camps that are run that are not licensed by anybody. And, you know, I know it's not your jurisdiction because OEC inherently doesn't have statutory jurisdiction over them. But if we're looking at having strong background check laws, you know, what are your thoughts on that and would you support adding youth camps that are municipal run?

COMMISSIONER BYE: I really -- I really appreciate that question. And we've been talking at our office a lot about this and I think this committee -- many on this committee are in this camp. If we think background checks are important, we think background checks are important. I think they're important for everyone. And Representative Lanoue's story about the chat rooms I think took everyone's breath away. Like, people, there are predators out there looking for cracks. And so, if we think they're important, we think they're important.

REP. BOYD (50TH): Understood.

COMMISSIONER BYE: My jurisdiction is the licensed camps, which is why I am here testifying about that. And as you said, there are logistics with camps that are different. Our office is spending a lot of time thinking about all of a sudden we'll get thousands of background checks. Are we ready? We believe we will be ready. We would not put the bill forward if

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we did not believe we would be ready. That said, I completely understand.

I met with camp directors last week and, again, they want the kids safe. They are very concerned about timing and logistics and hiring. And they really did talk to us about the importance of accreditation with camps and how can we get more camps accredited. And so, we're really open to sitting down and talking with the camps about ways to address the logistical concerns and still keep the standard of fingerprints, much as we have with childcare centers in the past.

So, we are really open to continuing those conversations, even, you know, as early as this week, next week, as you work on this legislation, to make sure that we don't put something in place that reduces access to camps that then leaves children unsafe because they don't have access to camps, because we don't live up to our end of the bargain on the processing of fingerprints.

REP. BOYD (50TH): Yep, yep. And I believe you're earnest with that. I mean, my experience has always been that you're willing to, in your office, to kind of work with that. And, you know, we met a couple of months ago and I deeply appreciate that as well. You know, right now, because I also work in a school setting, so that, you know, folks that need to have background checks, you know, right now, in particularly rural parts of the states where we don't have municipal police departments, you know, you've got to go to a state police troop at shift change for a half-hour block and hope that somebody's willing to do that. And if you bring

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more than eight people, chances are they'll say come back tomorrow.

And so, that whole piece about how it's done is gonna have to get redone. I will say DESPP does not share your optimism that they're gonna be able to do this as quick as they want. They have a whole bunch of other challenges and, you know, I would -- I don't know if DESPP is on the testify list or not. But, you know, if we're gonna move legislation that puts a timeline into place, I would really like to get DESPP on the record, saying that they can support the infrastructure, which you guys are taking the lead on, and it is the right direction. You know, but if they're not -- and you have no control over DESPP.

If they're not able to follow through, then in a year and a half we have a pretty significant logistical problem with thousands of employees that need to get background checks, fingerprinted by law, that aren't gonna be able to do it. And that's got folks concerned.

COMMISSIONER BYE: Yes. And again, I think that's something, Representative Boyd, that we could have a conversation about and try to think about language that would give you comfort about those logistical concerns. To sit with the camps and try to think through what are some strategies, you know, that if it wasn't back within X number of weeks then, you know -- if it's on us and we're the regulatory authority, I think there are ways we can think about this.

But I do really believe in the standard of the fingerprint and that's exactly what causes the logistical concerns. But that's exactly the

standard that we need to reach. So, that's where I believe -- I always believe people in good faith can get to an answer that's protecting kids and protecting businesses. Because, in fact, we're not protecting kids if camps can't stay open, because camps provide really important child care.

REP. BOYD (50TH): They're vital. Yeah. Would you support or have you given thought to folks that may hold a licensure of some sort that are already required, such as certified teachers, bus drivers, public service license holders, that, you know, a teacher may, you know spend their summer in a camp setting that have already gone through the vetting process for their current employee, would they -- would you entertain or given thought to that, would they be exempt from this because of what they're doing? Coaches, for example?

COMMISSIONER BYE: We are looking at ways that we can accept other fingerprints. Right now, the disqualifying crimes are different, you know, in the statutes. And so there could be some statutory changes that would align the State Department of Education with the Office of Early Childhood. And I know that the governor has a bill before the legislature. I should know the bill number, but that is looking -- assigning state agency commissioners to work together to reduce barriers to licensure and access on items just like this and the reports to the legislature according to this bill. It's January of '21.

REP. BOYD (50TH): So, did you say or suggest that that if somebody passes a background check for, let's say, a bus driver, that they -- if they have the same background check with a camp that the

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standard for employment might be different. So we'd allow somebody to be the bus driver, but not allow them to be a camp counselor?

COMMISSIONER BYE: It would depend on the certain statute and the disqualifying crimes. So, the legislature writes these laws at different times and on different committees. And so there are some federal rules around sharing, privacy rules, that Michael Curly can go into if you'd like. That we need to -- we'd need to, when someone did a fingerprint, have them waive their confidentiality -- their privacy for other purposes of other fingerprints. So, it needs to be worked through, but the governor sees this as a barrier to jobs and economic development, some of these challenges.

And so, they are -- they have a bill that's proposing that commissioners work together to reduce those barriers to employment. And so, we, on our own, are trying to at least align them with the State Department of Education and get permission from the feds. But much like the timing, these are things we're working that will take time. But we think it's silly that you can be -- and it's the same with our poor afterschool programs, hard to get afterschool staff. You have a certified teacher who's gone through the background check. They need to have another one to work in the afterschool program and then they need to meet the head teacher certification, which -- based on what it is. So, we're really working on aligning these things at OEC.

REP. BOYD (50TH): And do you think that the -- and it's been a while since I've looked at this. But at one point, for example, substitute teachers, you

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know, would get contracted and then they would go get their fingerprinting and then there would be the okay to work under supervision provision until that background check came back. You know, I'm not sure what that would look like. Those camp staffs have a lot of different -- you know, there's direct contact with youth type positions and then there's support staff positions. Is there -- is there some middle ground there that somebody submits it that they might be okay to work under supervision until it's back, or have you given thought to that aspect?

COMMISSIONER BYE: Well, we've given thought to that, but one of the challenges, again, are the federal rules. That used to be -- you used to be able to do that. But the federal rules are that you need the background check back to come to work now. That's been

REP. BOYD (50TH): As a provision of Care 4 Kids money, right?

COMMISSIONER BYE: Right.

REP. BOYD (50TH): Okay.

COMMISSIONER BYE: That -- that said, we are -- and this is why we'd be happy to have a conversation. We are trying to look at this and see are there ways that we can assure a background check and one thing, you know, you learn when you meet with people. One of the things I learned meeting with the camp directors was about the strict standard with accreditation. And so, you know, I want to dig deeper into that and understand that as a fill-in potentially. But I need to understand it more deeply first.

REP. BOYD (50TH): Sure.

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COMMISSIONER BYE: But I think some of the camps made a compelling case to us that we need a middle ground until these logistical problems are figured out and that indeed a high standard does exist, and would you think about it. So, for us, that's a lot of conversation with the feds about what's allowable, not allowable.

REP. BOYD (50TH): Right.

COMMISSIONER BYE: But you're -- I think along the lines of your discussing our conversations we should have in the next couple of weeks as we get guidance from the feds.

REP. BOYD (50TH): Yeah. Yep. Talking with one of my colleagues, you know, on the side before, somebody asked, you know, if this bill does not pass, would we lose Care 4 Kids money? And my understanding for that is no, unless you're -- so, if you're accepting Care 4 Kids money, regardless of your licensure status, you are required to do this. Correct?

COMMISSIONER BYE: Right. Well, and this, I think -- I really -- I really want -- my concern about this. I really think it's important that the committee be clear about this. We have to do this now if a program takes Care 4 Kids.

REP. BOYD (50TH): Correct.

COMMISSIONER BYE: It's not easy and it's expensive. And so if you're -- and we know that poverty has moved to the suburbs. The last census said that. The new census is gonna say that. You all know in your towns there are pockets of poverty.

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REP. BOYD (50TH): Well, and -- I just want to say. There's poverty in rural areas as well.

COMMISSIONER BYE: Right. No --

REP. BOYD (50TH): But rural poverty just looks a lot different than --

COMMISSIONER BYE: Yes, there's always been rural poverty. Yes. And that's always existed.

REP. BOYD (50TH): Yeah, it looks a lot different.

COMMISSIONER BYE: I'm just saying people don't think of it. They think, oh. So, if you're running a camp in Glastonbury, you maybe have three Care 4 Kids' kids and it's taking you this time and you can't hire. And now you've got to fingerprint, you know, thirty staff. And you're gonna say I'm just not gonna take kids on Care 4 Kids. So, we're really afraid that by not making a uniform rule, by saying only if you take Care 4 Kids, we're disincentivizing camps from accepting all children to enroll. And we think -- and we've seen this in childcare. We've seen this when we enforce this in childcare. The programs will simply say, fine, I won't take those three kids. And those kids would benefit most from the camp. So, we have to do -- it doesn't jeopardize the federal funding as long as we enforce it on programs that take Care 4 Kids, but it does jeopardize access to camps for low-income children.

REP. BOYD (50TH): If camps decide it's not worth the -- it's worth it, you know. Well, and it's been a while since I've looked at Care 4 Kids requirements, but there's a lot -- it's a comprehensive requirements from not just the background check. It's a pretty onerous, you know,

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piece of it there, so. Anyway, I don't want to take up too much of your time. You know, I'm totally for this if we move forward, but we gotta -- we gotta get the costs down so it's economical. You know, right now, using the same rate for a public service license or teachers, it's a \$7,000 dollar additional expense to just my camp operation, which is significant. You know, the timing's got to get down to twenty-four to forty-eight hours and we've got to figure out what it looks like through this process. And if you -- do you feel that those three things that there is gonna be some work on some movement on?

COMMISSIONER BYE: Well, on the cost, it really would be up to the Finance Committee. Because several years ago, it used to be \$22 dollars, and basically there was a tax put on childcare centers and everybody and schools and everyone that has background checks as a way to get revenue into the General Fund. We are expending our funds right now to improve the system. We've spent well over a million dollars to get from four months to two to four weeks. But we feel like it's important. But the fees have gone up tremendously and it's not to support faster background checks.

REP. BOYD (50TH): Right. I heard \$88 dollars.

COMMISSIONER BYE: It's \$88 dollars now.

REP. BOYD (50TH): That's a -- you know, \$88 dollars times eighty staff members for one institution is a pretty significant piece.

COMMISSIONER BYE: Yeah. It is.

REP. BOYD (50TH): But all right. I'll just close it. I agree that we have a moral and ethical

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obligation to provide the safest places for our kids this summer. We want to work with you on that and if we can work on those three issues that you highlighted, I think we're in good shape. So, thank you.

COMMISSIONER BYE: Yeah. Thank you. Thank you.

REP. LINEHAN (103RD): Thank you very much, Representative. And a quick question for Mr. Curly. If we're looking at changing the disqualifying crimes and merging them, (Coughing) excuse me. Is that a very heavy lift for a short session? Is it something we can get done now or (Coughing) excuse me. Would you both be amendable to putting language in that would require figuring that out before this kicks in next year.

MR. CURLY: So to follow up on what Commissioner Bye had mentioned. I believe it's Senate Bill 13 that includes the requirement for agencies to make recommendations about centralization of background checks. And it is something that we are looking at and communicating actively now with DESPP and the FBI. There are FBI restrictions around sharing information even between agencies. So, those are some of the barriers and restrictions that we have to explore. So, I would say I don't think we're ready as of right now to implement that, but we are exploring it and seeing how we can share information and how we can accept background checks for different purposes, as you, Representative Boyd --

REP. LINEHAN (103RD): And that's already in one of the governor's bills then?

MR. CURLY: Yes.

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REP. LINEHAN (103RD): Okay, great. I misunderstood that. Wonderful. Thank you. Senator Cohen.

SENATOR COHEN (12TH): Thank you, Madam Chairwoman. And thank you, Commissioner, for being here to testify. Could you just shed a little light for me on what happens with international counselors that are coming in and how that might work and apply in this bill?

COMMISSIONER BYE: Well, that is one of the challenges that is faced. And I think that we understand that to get into this country there are significant background checks, and particularly now that people are going through a great deal of pre-service screening. And so, you know, we are considering that as we consider this bill. It is -- a lot of foreign youth work at our camps and it's been an important part of their labor force. So, that's something that we have to figure out. But it's our impression, from what we know, and we're looking into it further, that there are already significant background checks that go on for those camp counselors. Many of them are sixteen to eighteen years old, so don't fall under, but some of them are not, so.

SENATOR COHEN (12TH): Okay. Thank you.

REP. LINEHAN (103RD): Any other questions?
Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you again, Commissioner. Back to the birth-to-three program, I just wanted to -- you mentioned about the birth-to-three provider really is -- I don't think you used the word partner, but really is with the family. And I think that's something that we really have to

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work on. I think the program's great. I'm totally a big supporter. But I now in past years, when we were doing something with hearing screenings, just the basic concept of telling the providers to mention to parents to get a hearing test, you know, if they suspected an issue, just such a simple thing. And we -- no one has said it. And you know with a lot of those developmental issues hearing tests are important.

COMMISSIONER BYE: Absolutely.

REP. KOKORUDA (101ST): And if a pediatrician hasn't said it.

COMMISSIONER BYE: There can be misdiagnoses, with hearing especially.

REP. KOKORUDA (101ST): Totally. And you know what -- and things could change so easily with it. And I was always surprised when I talked to a parent who had never been told that. So, I think, really, as we go on with this, with the birth-to-three, I think there's so much more that the providers could do as that partner. And I know you -- you certainly work with -- I know you work with all of those programs.

COMMISSIONER BYE: We do. And we are -- you know, having been out on a visit or two, I'm so impressed with the agencies that deliver this service and we can always do better, but we're very lucky to partner with the agencies that we do.

REP. LINEHAN (103RD): Any other questions? Hearing none. Thank you very much.

COMMISSIONER BYE: Thank you. Yeah.

REP. LINEHAN (103RD): So now we have moved beyond the first hour, so we're going to be going back and

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forth between our elected officials and others. I do need to skip around a little bit because I realized that some of the people that we're looking for are not -- oh, they are here. Excellent. Sorry. They're sitting on the floor. Would group one of the City Hill Middle School kids please come to testify. Thank you. Hello everyone. Welcome. If you could all just -- I know that you have elected a person to read the testimony, but if you could all take a second to introduce yourself into the microphone that would be wonderful.

MS. SWINDON: My name is Kaitlyn Swindon.

MS. MORRISSEY: My name is Amy Morrissey.

MS. FINE: I'm Emily Fine.

MS. CHIRKOUT: I'm Ciana Chirkout.

MR. DEITELBAUM: My name is Luke Deitelbaum.

MS. RIVERA: My name is Sahirah Rivera.

MS. VINCENTE: I'm Anna Vincente.

REP. LINEHAN (103RD): Welcome. Thank you so much for being here. You may begin your testimony.

MS. SWINDON: Representative Linehan, Senator Moore, Vice-Chairs, Ranking Members, and members of the Committee on Children, we come before you today, almost a year later, once again in the support of H.B. No. 5141, AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO PERSONS UNDER THE AGE OF SIXTEEN.

On behalf of myself, Kaitlyn Swindon, my eighth grade group members who testified last year, Emily Fine, Amy Morrissey, Luke Deitelbaum, Sahirah Rivera, Sean Davino, and Ciana Chirkout, as well as our new group who have joined us on the task, we now

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represent over 700 seventh and eighth grade classmates at City Hill Middle School in Naugatuck. We thank you for allowing us the opportunity to come here today.

While we believe, after researching the chemistry of these drinks and the effects on the human body, that nobody should be drinking them, we do realize that parents have the right to decide what's best for their children. We support that one-hundred percent. If a parent wishes to purchase an energy drink for their child, this also allows that. So, what about the parents who don't want their children drinking them? Based on the research we've done through Survey Monkey, we've created a survey for parents to take about their thoughts on child energy drink consumption and this bill.

We attached a list of all the towns and zip codes represented. The results showed that in forty-eight Connecticut towns with 376 total responses, sixty percent said they either have somewhat of an idea, are not sure, or no idea of the effects of energy drinks on the human body. Ninety-three percent believe that energy drink companies are targeting children and teens with packaging and advertising. Ninety-six percent said that they would be upset to learn that their child consumed an energy drink. And ninety-six percent said that they would encourage their legislator to support the passing of this bill.

In our research, we also found that our own U.S. Senator, Richard Blumenthal, has co-written a report in 2014 titled *Buzz Kill- A Survey of Popular Energy Drinks Finds the Majority of the Market Unwilling to Make Commitments to Protect Adolescents*, along with

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Senator Edward Markey, from Massachusetts, and Richard Durbin, from Illinois. This report is filled with evidence right from the energy drink companies themselves that support our cause. We'd like to bring your attention to two of the seven findings that we find significant to our testimony.

Finding number 5; although the American Beverage Association, ABA, and its members previously committed to not market energy drinks as sports drinks, three energy drink companies who are ABA members, Monster, Rockstar and Coca-Cola, have caffeinated products marketed for rehydration and/or with electrolytes, similar to marketing a sports drink. This marketing could cause confusion and lead consumers to consume large quantities for rehydration while unwittingly receiving large doses of caffeine.

Finding number seven; overall, four out of twelve responding energy drink companies, Dr. Pepper, Snapple, Red Bull, Monster and Rockstar, demonstrated significant gaps in making commitments to protect adolescents from targeted marketing campaigns. These four companies represent approximately ninety percent of the U.S. energy drink sales. Four other energy drink companies, Arizona, Celsius, Xyience, and SK Energy, demonstrated high commitments to policies that would protect adolescents from potentially harmful advertising messages and promote informed use.

REP. LINEHAN (103RD): You may continue.

MS. SWINDON: When Mr. Joseph Luppino from Red Bull and Dr. Richard Adamson from the American Beverage Association testified last year, they voiced concern about age-gating this project and claimed that not

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only do they target children in their advertising, but that they are safe for children to consume. We hope that with the information we've provided in our testimony as well as the information from recent studies that these drinks are not safe.

This is why we are asking you to support this bill. We believe it's pretty clear that these drinks pose a danger to our country's youth and we ask you to start what we hope to make a nationwide movement to protect children from making a potentially lethal mistake. Let Connecticut be the first state to do this lead our nation in protecting the youth of America. Thank you for your time. We welcome any questions or comments you may have.

REP. LINEHAN (103RD): Thank you very much for that incredible testimony. I am so proud of you. I've been working with you guys now for over a year and I have to say that you have done more research than most people in this building. So, I very much appreciate that. This is the second year that we're looking at this bill. But you did something really important, I think, that we need to hear again. And that's you asked parents would they be upset to find out that their child has consumed an energy drink. And I wrote it down. I believe you said ninety-six percent of parents surveyed in the State of Connecticut had said that they would indeed be upset to find out that their kids consumed this drink. Is that correct?

STUDENT: Yes, that is correct.

REP. LINEHAN (103RD): And so, I'm one of those parents, by the way. And really interestingly, in your testimony you also discussed how some of these drinks are marketed as sports drinks. I said this

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last year. I'll say it again. Those of you know me, I am an avid gym goer and every day I walk into that gym and I am bombarded with advertisements on how I can lift more, run harder, get thinner, based on these energy drinks.

And because of your testimony and your research, I've looked at those. I've looked at the ingredients. And what you testified to last year and what we heard earlier was that these energy drinks, a lot of times people focus on caffeine, right. But you are here to tell us that it's not just the caffeine. Is there -- Luke, I want to ask you a question. It's not just about caffeine, right, because -- what are those other ingredients? Are those other ingredients, when they are together with caffeine, do those have an even more -- a greater stress on the heart? Can you explain what some of those ingredients are?

MR. DEITELBAUM: Well, that would be correct, when you stated that. Well, some of the ingredients, such as guarana, they have un-researched effects on the human body that have not been studied by scientists and are potentially dangerous in mass effects. And these energy drinks, they do contain large amounts of these ingredients. They are blended together with these other ingredients that make them even more dangerous to the human body.

REP. LINEHAN (103RD): Right. And so it's -- in the energy drinks that I looked at, there was four additional ingredients in addition to caffeine that if you looked at their side effects, they actually increase heart rate and they're a stimulant. So, basically, we're not just looking at caffeine. I know that last year, Red Bull testified that a

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Starbucks coffee has more caffeine than their drink. But indeed it's true that Starbucks coffee does not have those additional ingredients that actually are additionally stimulants. Is that correct?

MR. DEITELBAUM: Yes, that is correct.

REP. LINEHAN (103RD): Excellent. I thank you very much for your testimony. You've done a really great job as always. Are there any questions from my committee members? Yes, Representative Comey.

REP. COMEY (102ND): Thank you. So, thank you so much for coming up. This is the second year in a row that we've heard -- we've heard about this and I have spent the last several months really keeping my eyes open for the marketing that is happening when I go from store to store. And one of the things, I actually took a picture of it because I was standing at a convenient store in -- actually, in Senator Cohen's district, in Guilford, and the -- in the -- there was a little fridge, a little, small fridge right next to the checkout and there was a energy drink called Cocaine, and it was sitting right next to Lunchables. And that was shocking to me in that while we're waiting to check out, you know, I've got two young kids, and while we're waiting to check out to pay for our food, that the kids are exposed to that sort of thing.

So, I appreciate all your efforts that you are continuing to go forward with this. If you don't try the first -- if you don't get it the first time, keep trying and keep trying. And I thank you for coming up here. Is there anything that you -- my question for you is that is there anything we hear that it might be a little difficult to carry out, as a store owner, to carry out this law? Is there --

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do you guys carry around your middle school -- and correct. Do you guys carry around IDs at what -- I guess -- yeah, thank you.

STUDENT: No, we don't carry any IDs with us.

REP. COMEY (102ND): And would any of your parents, you know, buy them for you if you were -- or would they all -- they, you know, opt for something else?

STUDENT: We don't use IDs at our school. Like, the students, we don't have IDs. No, our parents -- my personal parents, they would not let me. And I know -- I would think that a lot of other parents would not let other -- their kids do that.

REP. COMEY (102ND): Thank you very much.

REP. LINEHAN (103RD): Are there any questions? My co-chair, Senator Moore.

SENATOR MOORE (22ND): I want to congratulate you. I always worry about what the world is gonna be like in twenty years. I might not be here to see it considering my age, but. When I see young people do the research, to work together, to not give up, to really go deep into information, I think we're gonna be okay because of youth like you who are doing this work. I'm impressed at the investigate -- investigative work and the research that you did and how professional how you entered and stayed the course, because there will always be something that comes after this.

And if we're going -- if we're not gonna protect you all, after you're trying to help us get to where we need to be, we shouldn't be here. We have an obligation to protect the children. And you are doing more than your part for the rest of the

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children in Connecticut to make them aware. And so I'm really proud that you're standing here and thank you for coming.

REP. LINEHAN (103RD): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. And congratulations. I obviously understand now why Senator Logan and Senator Rebimbas are always gloating, because they're very proud of their students from their town. I know Senator Logan's here. Senator -- Representative Rebimbas is on her way to Washington, D.C., and she said I -- she just texted me and she's, like, support them from afar. So, I just have a question to ask. Because last year when we talked about it, one of the things that bothered was the whole caffeine thing, the Starbucks. I have grandchildren and we go in and they get those drinks, you know, the big things with so much and -- so, did you ever consider also having that as part of your proposal?

STUDENT: I would say since there are more ingredients in energy drinks that are harmful, I wouldn't. But the caffeine is a part of it. So, to answer your question, I would say no.

REP. KOKORUDA (101ST): No. Okay. But you didn't talk about it or look into it or anything as far as investigating it?

STUDENT: I -- no, I did not. I just wanted to check the harmful ingredients in energy drinks because more people know about those.

REP. KOKORUDA (101ST): So, those crazy, whatever you call them, maki yakis, or whatever they're called, (Laughter) are super healthy. I feel so

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much better now with the triple espresso. But you've done a great job and congratulations.

REP. LINEHAN (103RD): Thank you. Are there any other questions? Representative Green.

REP. GREEN (55TH): I would just like to say ditto. You guys have done a fantastic job. Your commitment is just unbelievable and it is amazing. This is not easy to come up here and do this and this is the second year you guys have done this. So, I just want to say that you guys have done a very nice job. Thank you.

REP. LINEHAN (103RD): Thank you very much. Any other questions? Hearing none. Thank you all very much for being here today. Oh, I forgot. As is customary when we have kids here to testify at the Children's Committee, we offer them pens from the State Capitol, and I'd like to offer you that now. If you would meet me over to the side. And then Sarah Eagan, then it'll be your turn. Thank you. Okay, we now would like to call the second group of kids from the City Hill Middle School, led by Jonathan Huntley, please. Hi. Could you please each of you state your name?

MR. HUNTLEY: Hi. I'm Jonathan Huntley.

MR. RICE-BLANCO: Hi. I'm Gavin Rice-Blanco.

MR. MORAN: Hi. I'm William Moran.

MS. KIERNAN: Hi. I'm Lily Kiernan.

MR. HUNTLEY: Representative Linehan, Senator Moore, Vice-Chairs, Ranking Members, and members of the Committee on Children, we come before you today almost a year after our eighth grade group members testified, once again in support of H.B. No. 5141,

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AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO PERSONS UNDER THE AGE OF SIXTEEN. On behalf of myself, Jonathan Huntley, and my classmates William Moran, Kaitlyn Swindon, Anna Vincente, Lily Kiernan, and Gavin Rice-Blanco, we thank you for this opportunity.

We now represent over 700 seventh and eighth grade classmates at City Hill Middle School in Naugatuck. We understand that some may oppose this bill. But I feel that's mostly about taking your rights away from parents rather than what the intent of this bill is, to keep children safe. Energy drink companies want to make money off of children who don't realize how dangerous these drinks can be. Did you know that these companies consider minor children to be age twelve and under? Are thirteen-year-olds really mature enough to make adult decisions about putting these harmful drinks into their bodies? We don't think so and that's why we are reaching out to you for help.

Energy drink companies claim that they don't market to children, but there is proof otherwise. We have seen Red Bull drinks with Pacman and super heroes like Super Man and Wonder Woman on them. They also sponsor young athletes like skateboarders C.J. Collins and Jagger Eaton. Rockstar Energy Drink has sponsored an event where fourth graders helped them build a BMX park. And Monster Energy has their Monster Army program. The Monster Energy's athlete development program that supports athletes in motocross, BMX, mountain bike, skate, surf, snow and skiing. Athletes are evaluated and invited into the program to represent the Monster Energy brand and offer over \$1 million dollars in cash payouts.

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Soldiers in their army include the competitive bike riders Matt LeBlanc, age 16, rider Dave Francisco, age 14, and Julien Beaumer age 13. One of the requirements to be in their army, represent Monster Energy. All this information is public on their website. So, we find it hard to believe their claim that they do not market to young children. What is even more startling is the fact that these companies are telling us they are safe, some even healthy. Yet information we found, based on actual statistics, tells us much different -- a much different story. There have been a myriad of deaths and hospitalizations due to energy drinks in the past fifteen years.

In 2011, there were 20,783 reported emergency room visits in which energy drinks were the primary cause of or contributing factors to health problems. Not only have there been hospitalizations, but also many deaths associated with these detrimental drinks. It's bad enough that it happens to adults, but even more concerning when it happens to children. In May 2011, researchers from the American Academy of Pediatrics said energy drinks are never appropriate for children and adolescents, saying caffeine in children has been linked to harmful effects of the developing neurologic and cardiovascular systems.

We are fortunate to have completed this project to understand how dangerous these drinks are. Now all kids in Connecticut have this opportunity, plus, many may understand kids tend to think it won't happen to me. We are pretty sure that's what fourteen-year-old Anais Fournier, fifteen-year-old Brian Shepherd and sixteen-year-old Davis Cripe thought. Even thirty-one-year old Buddy Lowe and forty-one-year-old John Reynolds thought they were

safe. Unfortunately, they were wrong. These individuals were deemed healthy and fit and tragically succumbed to death after consuming these toxic beverages.

We have included a lengthy list of young individuals whose cause of death are attributed to energy drinks. We believe it's pretty clear that these drinks pose a danger to our country's youth and we ask for you to start what we hope to be a nationwide movement to protect children from making a potentially lethal mistake. Let Connecticut be the first state to do this and lead our nation in protecting the youth of America. Thank you for your time. We welcome any questions or comments you may have.

REP. LINEHAN (103RD): Thank you so very much for your fantastic testimony. You really did a great job. A couple of things stood out to me. Twenty-thousand-plus emergency room visits tied to energy drinks. So, are those for adults and kids or are those just related to kids?

STUDENT: Those are both -- for both adults and children.

REP. LINEHAN (103RD): So, which is interesting, right, because that means that these energy drinks are having a toxic effect on adults, imagine what it's doing to kids. So, I think that that's a very telling statistic, and I appreciate that. And another thing -- another two things that I want to ask you about. You had said that these companies consider minors to be age twelve and under. Is that an -- is that saying that they don't -- since they say that they do not market to minors, they're talking about they don't market to eleven years olds

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and below? So, they're just not -- so, they feel, possibly, that by simply categorizing minors as twelve and below that they can get away with marketing to kids thirteen and above?

MR. HUNTLEY: Yes.

REP. LINEHAN (103RD): My daughter was eight when she was in fourth grade, right - eight. And so another part of your testimony was how Red Bull sponsored -- was it a contest to help design and build a skate park?

MR. HUNTLEY: Yeah.

REP. LINEHAN (103RD): So, I'm gonna ask you a very, very complicated math question. Is eight less than twelve?

MR. HUNTLEY: I believe so. (Laughter)

REP. LINEHAN (103RD): Oh, you're gonna be in this building. Let me tell you. (Laughter) But, yes. So, to me, it seems that by their own admission that they are publicly involved in something that is geared towards fourth graders that they are in fact going against their mission of marketing to minors, even if they are saying that minors are twelve and under, which we know legally that that number doesn't jive. So, thank you very much for being here. I'm extremely proud of you. You really did great testimony.

And I also want to let everyone in this room know and on the committee know that the reason why we have families coming up today, to tell us their heartbreaking stories of losing their children to energy drinks is because of the advocacy of these group -- two groups of children, the one you just

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saw and these children here. That the work that you did today put out a call nationwide. And because of your work, we are hearing these heartbreaking stories that we believe just might get this bill out of committee this year. So, thank you so very much.

Are there any questions from the committee?

Everyone thinks you did a great job. Hearing none. I say thank you very much. But once again, the rule is is that if you're brave enough to be here to testify you do get a little reward. I'm gonna give each of you a pen on behalf of the committee and these are our state flag, while the others got the state seal. So, if you wouldn't mind stepping off to the side and I'll give those to you quickly. And then we'll ask Sarah Eagan to come. Thank you so much.

Thank you very much and thank you for your indulgence. We appreciate that.

MS. EAGAN: Of course, they're a tough act to follow. All these kids are so well prepared. I mean, very impressive, very impressive work. My name is Sarah Eagan. I run the State's Office of the Child Advocate. Thank you to the committee for the opportunity to provide testimony. I did provide written testimony on a number of bills. There's just a few I wanted to highlight. There are many children-related bills up for today in the Children's Committee.

A couple I wanted to highlight in my testimony. One is -- the first one is on page two, which is AN ACT TO EXTEND THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION PROVIDED BY THE DEPARTMENT OF CHILDREN AND FAMILIES. So, we strongly support this bill. I know you'll hear from others today. I

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wanted to highlight that the kids that we're talking about who need legal representation past eighteen are kids who have not -- for whom the state has been the parent, who -- and kids who have not achieved permanency in other ways. So, these children remain dependent on the state for everything that an eighteen-year-old needs; housing, education, support.

These are kids who have had a history of trauma, mental health issues, maybe placement instability. They have a host of needs. They need advocacy and they can't really go it alone. Right? We know this. On the other hand, it's a -- you know, to provide legal advocacy between eighteen and twenty-one for these youth, which I think really is a necessity, and many other states do it. And we point to that in our testimony. You'll hear more about that from the Center for Children's Advocacy.

So, Connecticut would not trailblazing in this regard. We would be following others' lead already established. It does have a dollar amount next to it. It's not a huge amount. We're not talking about a huge number of children, but we are talking about highly vulnerable youth who are already heading into adulthood without all the things that we would want our own children to have. They definitely need an advocate to help them along the way, navigate those fraught years until they really reach adulthood. So, we'd strongly support that bill.

The other bill I wanted to highlight is page three, House Bill 5335, AN ACT REQUIRING A PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE. And there are a few bills up today about child sexual

abuse. I, actually, also wanted to provide oral testimony on behalf of 5336, just the background checking for youth camps. And this dovetails also with House Bill 5333, AN ACT CONCERNING THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISKY BEHAVIOR SURVEY. You know, all of these bills are about protecting children from abuse and neglect, in particular sexual abuse, but not exclusively.

And we've heard a lot about that today. Our office strongly supports this work. This is an area of work that we're actively engaged in. I think one of the things I wanted to highlight is that would talk a little bit about prevalence today, you know, everybody knows somebody who -- I really can't stress that enough. Everybody does know somebody who, but I do think that -- I do think, though, paradoxically, it has not really seeped into all of our public policy and to our trainings and how we prepare people to work in these serving organizations, whether it's schools or camps or otherwise, that the sexual abuse of minors is actually a pretty prevalent problem.

It's also tremendously underreported, under prosecuted. If a child feels uncomfortable, awkward, feels like an adult has an inappropriate relationship with them, you know, they are most likely, unfortunately, not going to tell anybody. So, if it does get -- if they do report and it does get reported, investigated, these are things we absolutely need to know about, because for every child who's able to come forward or abuse is detected, and somebody is substantiated by a child protection agency or prosecuted, there are lots of other kids who have been victimized, who have not

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been able to come forward or has not found a voice, you know.

And unfortunately, people who -- people who do inappropriate things with children or who want to go to the places where children are. That's just the reality. That's where they go. They go where there are opportunities and they select victims that they have more a likelihood of establishing a one-on-one connection with. It's often children who are particularly vulnerable, who may lack adequate -- not always, but sometime adequate adult supervision, or where the person has an opportunity through their professional relationship to have one-on-one time with a child, who may or may not say anything.

So, there -- this is, in some ways, also an understudied area. There is an oft reported study from the early 2000s which included survey information of eighth through eleventh graders of whom about one in ten -- I want to get this exactly right. A nationwide survey of eighth to eleventh graders conducted in 2004 revealed that nearly seven percent of students reported having been the recipient of physical sexual contact from an adult in their school, most often a teacher or a coach. That's a big number. About one in ten reported being the victim of educator sexual misconduct without touching, such as the sharing of pornography, sexual talk or sexual exhibitionism. And these are numbers cited by the United States Government Accountability Office as well, which has made a number of recommendations over the last several years, now incorporated in a 2018 technical assistance guide from the U.S. Department of Education, regarding the prevention of adult sexual misconduct.

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And one of the things that the GAO talked about is that people are not aware of how prevalent these problems are and therefore we don't really all have necessarily enough polices in place to educate parents, do -- educate kids where developmentally appropriate, and to do the type of prevention and detection work that we need. So, some of that's addressed in the bill in background checking for youth camps. It's just really important. As Commissioner Bye said, either we support background checking or we don't. And as Representative Boyd talked about, background checking is a bit of a no-brainer when it comes to people who have custody and unsupervised contact with children away from their parents. So we would urge passage of that bill with, I think, some of the amendments that folks were talking about.

But the bill 5333, AN ACT CONCERNING THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISKY BEHAVIOR SURVEY. So, the CDC, Centers for Disease Control, have a model survey; many of you have maybe heard me talk about this earlier this session, that most states use. Districts have kids participate in this survey. Participation is voluntary. The model survey can be adapted in different states. Connecticut is the Youth Health Survey, and it asks a range of questions about lots of really important things, from substance use -- you heard me talk here a few weeks ago about the answers that kids give when asked about despair or self-harm or suicidality and how much we've learned from their answers, right. Thirteen percent have thought about hurting themselves. Ten percent have thought about killing themselves.

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One of the things that that survey does not have a question about is whether a youth has ever been a victim or been concerned about adult sexual misconduct. And it's not a survey that shies away from asking hard things. So, we think that it would be -- two things would be really important. We want to make sure that Connecticut school districts are allowing their students the opportunity to participate in this survey. I think, historically, we've had a healthy amount of participation, but some years not as much as we need in order for the results to be evidence-based.

There are some states that mandate that the survey be offered to adolescents. It's always voluntary for adolescents to participate. So, this bill would do two things. It would say that districts have to offer this youth public health survey to students. And the second thing the bill does is say that a question or questions have to be developed that asks students about the issue of adult sexual misconduct. We don't have prevalence data here in Connecticut. We have a great school climate survey. We have a great public health survey from the CDC, but it's not asking about this area.

And as, you know, committees like this are working on these public policy questions, I think it's a missed opportunity and now hopefully a new opportunity to ask our kids what they're experiencing in a way that's anonymous, confidential and judgment free so that we can see, you know, what are we talking about here, what do kids have to say about this really important topic. So, we strongly support that bill.

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The last -- the last bill -- I forgot my glasses up there, so now I'm, like, holding my testimony really far away. The last bill I wanted to talk about is House Bill 5328, AN ACT CONCERNING THE ROLE OF BIRTH-TO-THREE SERVICE PROVIDERS AT PLANNING AND PLACEMENT TEAM MEETINGS. This is an interesting bill and from what I understand from others, who I think you'll hear from in this room, you know, this is something I think that people have some concerns about, right, and that I think needs some attention. When a birth-to-three provider -- but first there's the issue of does the parent know they can invite the birth-to-three provider. And I think the bill is fine, right, because the bill says the parent has the right to have the person come and that the team has to talk about what -- that the transition goals from the birth-to-three plan have to be addressed. That's the language in the bill. That's what it says.

That absolutely should happen. I think it's consistent with other provisions of IDEA, which you've heard about today too, but also a provision of IDEA that says anything that comes from an outside provider and that's presented at the PPT has to be considered. That's the language in the federal law, right. So, here it's talking about having the recommendations from the birth-to-three plan be addressed, right. So, you know, there's the issue of, one, does the parent know that they can bring the birth-to-three provider.

Then we've heard folks talk about the birth-to-three providers there to support the parent. Okay. But I want to unpack that a little bit because I think where the confusion is - I think from what I hear, part of the confusion is; is what is the role of the

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person coming from the birth-to-three agency at the meeting, i.e. what does supporting the parent and the child look like, right. Does it mean being present, but not saying anything? Right? I think that's part of the concern that some folks have that even when people come to the meeting they may or may not feel empowered to speak. And if they are empowered or comfortable to speak, what do they feel empowered or comfortable speaking about? Right? And so, I think that bears some additional discussion here.

So, if I'm a birth-to-three provider at the meeting, I can -- you know, I should be able to talk about what services we provide to the child, the needs that they've had, the growth that they've shown, strategies that are successful. Is that advocacy? Well, I mean, yes, in a way. Right? It's talking about what the child needs, what they receive and what they may -- they're not being asked to offer an expert opinion about what should be in the PPT. That's a group decision anyway. But I think some of the tension I'm hearing around this proposal is really unpacking and maybe it's an opportunity to provide some clarity around what -- how do we ensure that the parent has the folks that they need at the table and then what are those folks there to do and say, right.

And obviously, as people on this committee have heard before, there are concerns and there was a bill passed last year and there's a working group now looking at transition outcomes for kids from birth-to-three to the public school system. This has been an area of concern, right, for the legislature. Are kids transitioning well? Are they having robust programs that then get a little less

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robust when they come into the public school system? And how are parents navigating that what can feel like a very abrupt and difficult transition from sort of home and community-based support with their baby to, you know, a public school system? Which, it is different, right?

So, I would strongly urge the committee to keep supporting this bill, maybe with some additional conversations with OEC around what are some -- if they perceive some challenges around the language, what are those. But I think some greater clarity is needed to ensure that people coming to the table know how they can contribute. I hope that makes sense, what I'm saying. Thank you.

REP. LINEHAN (103RD): Thank you very much. Excellent points. I completely understand that and there is gonna have to be some work to go into that. I don't -- you know, just on a technical standpoint, how you define support; that could be a challenge. So, I agree with you we should have those conversations and it's great that I have a co-chair who knows a lot about birth-to-three and how this could -- how we could do that, so. So, I appreciate that. I want to go back to the other bill regarding the questions about adult sexual misconduct.

Some of my concerns -- I mean, you know that this is -- this has always been something I'm very, very interested in and I understand that we don't have that data. So, we're trying to get to that data. But you had said that, traditionally, we have had school districts that were participating, but there have been some years where we have not. Mandating the participation would -- the question inevitably is gonna come up, well, what does it cost us to do

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that, right? So, do you know how this survey is administered? Is the CDC survey administered while in school? Is it sent as a link? Do you have -- and I don't know. We haven't discussed this beforehand, so I don't know if you have that information.

MS. EAGAN: So, I don't have that information in front of me. I can certainly get it to you. There's a point person from our office who works closely with folks in DPH on these surveys. She's not available to be here today. So, I don't know what the -- I don't know if there's a cost to the school. Like I said, many years we've had the majority of school districts participating. I think that -- I don't know if DPH is gonna testifying here today on this, but I think some of your -- they're trying to get to get to seventy percent usually of school districts, right, so. And some years were closer and some years -- I think last year we were a little under where we needed to be. So, the majority of districts typically participate, right, but we always want to make sure we're at the threshold we need to be. So, I don't know that cost. That's not something I've heard that that's been a concern. I have not fielded that concern.

REP. LINEHAN (103RD): So, what would be a reason why a district wouldn't want to participate?

MS. EAGAN: I don't know the answer to that, Representative Linehan. I think it's a public health measure. It's very important. I don't know why a district would not want to participate. I think districts feel a lot of pressure to comply, I would imagine. You know, they have a lot of things that they need to accomplish in a given day that are

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all important. But I would just submit that ensuring we have a public health framework for gathering critical information from adolescents so we can target strategic support and education needs to be a priority.

REP. LINEHAN (103RD): Right. One of the things that two towns out of my three towns in my district, what they do is they utilize a grant that did a developmental assets question -- a developmental assets survey that is given every three or four years, which actually is very similar to the Youth Risk Survey. And one of the things is that when they get this grant, they are told they're not allowed to adjust the questions in any way.

In speaking with my superintendent, we believe that the reasoning is they don't want any of those questions deleted. It's not necessarily that adding them, but they won't -- you know, they won't get a full picture if a district goes in and says, well, we don't want to talk about that, so they take that out. So, it's less about adding questions as it is about deleting questions. But you had said that other states do allow for the adding of questions to the CDC survey.

Here's my concern. The CDC does not choose every district in the State of Connecticut to take this survey. And I would like to survey the entire state. I think this is something that should be asked in every school district. Do you now know of or would you help me to find another avenue to add onto the CDC survey so that we can actually get in all districts to ask this very important question?

MS. EAGAN: You mean instead of the --

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REP. LINEHAN (103RD): In addition to.

MS. EAGAN: In addition to. I mean, sure, I'm happy to talk with you about any other strategies to get that question asked. I think we can maybe bring in our partners from the Department of Public Health to help us grapple with that. I also -- Holly handed me the answer to your earlier question, thank you, which is that the survey is administered in school at no cost to the school, done during the advisory period, and that the schools are typically paid incentives to help facilitate it.

REP. LINEHAN (103RD): Well, look at that. Well, that's good news. Thank you very much for getting that. We appreciate it. Yeah, I just had some concerns, because with the developmental assets, which is such a great program, it just -- you're not allowed to change any questions, add or delete. So, if we could put our heads together to figure out if there's another way to get that information out that'd be great. Because I agree with you, it's extremely important to be able to ask that question so that we can determine how best to help our kids. So, thank you very much. Are there any other questions from the committee? Representative Hayes.

REP. HAYES (51ST): Thank you, Madam Chair. I apologize; maybe I should know the answer to this question. But what happens if a child opts out of the survey or if a parent -- are the parents notified that this survey's gonna be conducted? And, I mean, I would be concerned if a parent decided to opt out or if a child decided to opt out. That would raise flags for me. But is there any action taken if a child says I don't want to take

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this or if a parent says I don't want my child taking this survey?

MS. EAGAN: No. It's always been voluntary, Representative. So, it's offered and if the family or the child is not participating then that's just the way it goes.

REP. HAYES (51ST): Thank you. Thank you, Madam Chair.

REP. LINEHAN (103RD): You're welcome. And, Representative, just to let you know that I asked that same question within my district, and the answer I received is that there are always people who are opting out. They tend to be the same families and I wouldn't assume that it's simply because of the adult sexual misconduct question. There are many questions on these surveys because it's a risky behavior survey, which would talk about alcohol and drugs.

And unfortunately, there are -- there is still some beliefs in the community that talking about these issues would lead a child to go and do those things. But we know through research and evidence that that's actually not the case. So, you're always going to have someone to opt out and that's why there is the ability to do that. Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Madam Chairman. Sarah, good to see you. On S.B. 283, with the legal representation once the young people that sort of -- well, they turn eighteen years old. They right now don't have legal representation, but they are still being provided with services? Is this a clip we're talking about at all or is this -- they're still

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getting services; they just have legal representation because they don't have permanency?

MS. EAGAN: Right. Well, you -- if they qualify for post-majority services at DCF, which a lot of kids do, though not all. So, you know, there are criteria that the state has, you know, you have to be engaged in something productive, school, a job training, you know, support services. And so it -- because now it's a voluntary benefit that the state is providing. And I think one of the things we heard from the Public Defender's Office is that for kids who are at risk of losing their benefits, which does happen, you know, every -- the last time I looked at it was a few years ago.

But there were maybe fifty some odd administrative hearings a year where a child was being told they were gonna lose their benefits because they were no longer compliant with DCF expectations. That the Public Defender's Office has been, you know, contracting out to get some legal help if the child's in danger of losing their benefits. But, you know, for a child under the age of eighteen, they have a statutory right to an attorney to represent them in all the court proceedings, and often those attorneys are providing advocacy around the child's treatment plan, their living situation, helping that child problem solve if things aren't going well. And that's something the child loses when they turn eighteen, even if they're still sort of dependent in the same way.

REP. KOKORUDA (101ST): You know when I heard that, I couldn't help but think that unfortunately some of these eighteen -- children over eighteen would be targeted. And is that a problem? I mean, I really

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worry about it. And I talk about targeting, I hate to say it, I'm talking about trafficking and things like that. Is that an issue with children that maybe aren't in one of the programs? They're over eighteen and they're starting to lose their benefits.

MS. EAGAN: Well, the data on outcomes for youth who "age out of foster care without permanency" is not good data. Right? Meaning outcomes are not great for kids who lose their connection with support services who don't have a guardian at age eighteen. We know that these youth are at substantially greater risk of homelessness, institutionalization, involvement in the justice system, not completing an education or being otherwise victimized in, I think, ways that you're asking about. These are some of the most vulnerable adolescents in our community, right?

I mean, I think - you think of all the things that a teenager needs who has grown up in an intact family without a history of trauma, child abuse, neglect, placement instability, etcetera, and they need a lot -- can you imagine -- you know, any child needs adult support and periodic advocacy once they turn eighteen. But when you're coming with that history of challenges -- I used to represent adolescents, right. Providing legal representation to adolescents is a lot of work because they need a lot. They need a lot. They need the relationship with that lawyer and they need a lot of problem solving. They need a lot of adult support. They need a lot of advocacy. So, I think it's definitely a need.

REP. LINEHAN (103RD): Senator Moore.

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SENATOR MOORE (22ND): Thank you, Sarah, for your testimony on all the bills. I wanted to go back to the House Bill 5328, the birth-to-three. So, you know, I say this a lot of times, some things you don't need to legislate. Sometimes it's about the process that's in place and discussing it with people who have the power to put a plan in place. Right? I believe Commissioner Bye has the right spirit, the right understanding to get some of these things done.

Because what I'm hearing from you is different than something that we're legislating. If we're -- if people don't know what that person can do that's in the room and how much power they have, how much they can assist, what does this do for them? Right? Does it really do -- does it get to really the root of what you're trying accomplish.

I'm wondering is it a matter of sitting down with the commissioner and you and the committee, some members from the committee, to see if we can get to the deeper issue of helping that person understand their role and that they're not there to be a threat, right. But it's more than just sitting around listening, more of a navigator, really, I'm thinking, to help them work through the process. But also, because I've done -- I've done -- I have a patient navigator for breast cancer and I did it because if someone came in that door and talked to the people over there that didn't know about something, they left and they didn't find out anything new. And if they came in that door and these were all the people with the knowledge and they sent them all the places they needed to go, you have different outcomes. You know, the people over

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here are giving all the information to the people over here who are not and nothing really changes.

It's a matter of making sure and not by paper, because I heard this, like, three times from the Surgeon General this morning. It's not about giving people paper to read. It's about taking the time to explain to them and then another person that they can go to later to make sure, do you understand, right. Or here's a contact for you to call. And this person's responsible for giving you the information. And it's on both sides. It's both from the provider and it's both for the parent, that they both have the supports.

The provider has a responsibility to provide the information. The parent may not be able grasp it all because of the conditions of what else is going on in the family. But there should be somebody there to support that parent with the information. And I just think that -- I mean, I keep looking at -- we just need to do our jobs. That's really what it's about. All this legislation that we're doing is really just saying, again, do your job. But I think we're in a place where we have people working together.

The governor has broken down all the silos between all the commissioners. He's forcing them to work together and look at things differently. I think we have an opportunity to really sit down and discuss how are we really serving these birth-to-three parents and how do we help them; right, and not just put it into legislation that goes on a shelf. How many times have we looked -- I heard Representative Kokoruda say about another bill, well, why aren't they doing it? They never implemented it. Right?

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We wrote the legislation. We come back and we say where is it. There's never even been anything about it.

So, we -- I mean, just writing it isn't going to do it. It's a matter of having these conversations and I would hope we could go deeper on some of these things and not have to put things in legislation, but just have an agreement that the commissioners will do their jobs and they will work with the other commissioners and the parents to make sure it's happening.

MS. EAGAN: So, thank you for that, Senator Moore. Well, Commissioner Bye is just one of my favorite people in government to begin with. So, I've no doubt that she wants the best outcomes for these kids transitioning from birth-to-three to school. And I think, you know, it may very well be that a conversation and some clarifying guidance and directives around the role of the birth-to-three provider during the transition. PPTs may be what's needed.

I think the fact that this is -- you know, I think the fact that some folks proposed this bill is suggesting that there are probably parents and advocates for parents. I would assume you'll hear from some today that have some concerns about how the process is playing out. I think it would be important to hear what those are so that we can ensure that the conversations we may have outside the committee process are gonna get us to the solution.

My testimony is just in some ways unpacking what I think some of the problem may be, which is, you know, again, both -- not just about attendance, but

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the role of the person and what their function is in the meeting. If that's an area that I'm right, that I think that maybe people need greater clarity, I think there's -- I agree with you, Senator, there's multiple ways to get at that. I also agree with you that -- I mean, the part of the bill I do like is best defined that the child's IFSP and the -- you know, what's recommended at transition must be addressed at the PPT level.

You could say that that's already consistent with IDEA requires, but I like the clarity that that offers. I don't know that -- again, though, as you point out, I don't know that that really solves the underlying problem that I think has driven folks to bring this bill or to ask you for this bill. So, I'd be very interested. And I'll have to leave, but I'll definitely catch up on CTN to hear from folks about, you know, what are their concerns about what's not getting discussed in the meeting. That, you know, maybe we can problem solve either this way or another way. I don't know.

REP. LINEHAN (103RD): Thank you very much. Are there any other questions? Hearing none. Thank you very much. So now we have Dan Moran, followed by Heidi Cripe.

MR. MORAN: Good morning or good afternoon. My name is Dan Moran and I live in Cheshire, Connecticut. I'm currently a sophomore at Cheshire High School and I'm here to today to express my ardent support of House Bill 5335, AN ACT REQUIRING THE PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE.

It is often said that the true measure of any society can be measured in how well it treats its most vulnerable members. And in my view, nobody in

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our society today is more vulnerable than our children, so we have a moral obligation to protect them. According to a study completed by the Crime Against Children Research Center, one in five girls and one in twenty boys under the age of seventeen will experience some form of sexual abuse. And even more alarmingly, three out of four of those victims reported their abuser to be someone they knew and trusted.

This abuser could've been a family member, a family friend, a coach or a youth activity director. The language used in this bill makes it explicitly clear who it is we are entrusting the care of our children to and subsequently the lines we expect them to understand that they cannot cross as caretakers, and the means by which we can warn parents of any of those inappropriate actions. Additionally, I believe that part of the genius of this bill is the inclusion of the National Association of Adult Survivors of Child Abuse, in the writing of the proposed document, in order to make progress for the children, in the writing of the proposed document.

In order to make progress for the children of today, we have to learn from the children of yesterday and wield the insight they have gained through their experiences to better our society and root out abusive patterns and practices before they have a chance to inflict any form of harm on our society's most vulnerable. Parents and guardians of children being groomed by sexual predators often miss the warning signs. And children themselves are most likely unaware they are being groomed.

So, it's absolutely imperative we, one; destigmatize the vital conversations between parents and children

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by shedding a light on this subject that is often seen as taboo. And two; make sure that accurate and effective information is readily available and easily accessible to these families. As a suggestion improvement to this bill, I would propose removing the one-page limit on the proposed document that appears in lines 12 and 24. Seeing as this is a topic of such importance, I think it would be beneficial to the recipients of the document to have as much information as possible available to them without length restrictions.

As I conclude, I'd like to express my gratitude to the committee for allowing me this opportunity to speak on this critically important subject and I welcome any questions.

REP. LINEHAN (103RD): That was amazing. Thank you so very much. I'm taking your suggestion. It makes sense. To limit it to a one-page is limiting information that could save children. So, thank you for pointing that out. I think that makes perfect sense. You really brought up something interesting, that it's a taboo subject between -- sometimes even between parents and kids, which is why I really love the fact that you're here to testify, to give us your thoughts on this bill.

The bill does require that information is given to parents at the time that they sign their child up for a youth activity. Do you believe that information on grooming, because you obviously -- you're sitting here, you obviously know what it is. You are aware of that. Do you believe that that information would be -- would have been helpful to your parents at some point when they're signing up for you for youth activities?

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MR. MORAN: Absolutely. I think it's imperative that parents of children that are at risk of being subjected to inappropriate behavior that is mentioned in the bill. I think it's so important that they are able to see the warning signs and catch it at an early stage, to stop any progression and make sure that the least amount of harm possible is inflicted on children in these situations.

REP. LINEHAN (103RD): So, I'm going to -- I'm gonna give you a little story and I'd like to have a kid's take on it. I was recently at a basketball game, a nine-year-old's, and one of the coaches is a -- some sort of a karate person or jujitsu. And after the practice or the game, whatever it was, he was joking around with one of the kids, nine-year-old kids. Did a jujitsu thing, took them down to the ground, and laid on top of them.

As a parent, I was alarmed. This child's parent next to me was absolutely alarmed and got up and started -- and went to go say something. And then the guy got up. It was just what he did. They were laughing and joking. If you received information, as a kid, on what is appropriate behavior between you and an adult, would that -- getting that information beforehand, do you feel that that would've given you strength to say to someone that's not appropriate?

MR. MORAN: Yeah. It's funny, because I've actually been in almost that exact situation. I took karate for several years and it is a high-contact form of art. And there were moments when I felt uncomfortable, but I think as a culture and a society, we don't talk about it enough, so victims of these inappropriate actions often find a way to

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blame themselves for it. But if we offer the resources to these children, to let them know that, no, that kind of behavior is not okay, then they could possibly have spoken up and let them know that they're setting boundaries and they don't want that to happen again so it doesn't progress farther the next time.

REP. LINEHAN (103RD): I couldn't have said it better myself. Thank you very much. Are there any questions from the committee members? Representative Hampton? Oh, I'm sorry. I thought you raised your hand. Wonderful. Thank you so very much. Oh, Representative Kokoruda.

REP. KOKORUDA (101ST): I don't have a comment, but -- or I do have a comment. What amazing testimony and I cannot believe -- you said you're a sophomore in high school?

MR. MORAN: I am, yeah.

REP. KOKORUDA (101ST): That is amazing. Thank you so much. You speak for so many children out there and so many parents that I talk to. When something has happened, so often it's years before they hear this. So, thank you. That was unbelievable testimony.

MR. MORAN: Thank you.

REP. LINEHAN (103RD): And as is tradition with the Children's Committee, I would like to offer a pen for coming to testify on behalf of all committee members. So, I'm gonna step aside and give that to you. And next we call Heidi Cripe. Thank you, ma'am. Thank you for being here today. If you could state your name and being your testimony.

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MS. CRIPE: Yeah. My name is Heidi Cripe and I'm here to testify in support of House Bill 5141. God gave me the great honor of being Davis Allen Cripe's mom, or "mumzy" as he liked to call me.

I can't possibly describe Davis to you in a few minutes, but I do want to tell you that he had strong convictions. He gave his life to Christ in middle school at our church's summer youth camp. He was a gifted musician and believed strongly in the healing power of music. He was passionate about helping his friends and making others laugh. And, Davis was strongly against the use of drugs, alcohol and tobacco. He was even known as the anti-drug kid by the peers at his high school. Davis knew the dangers and did not want to see anyone get hurt.

It's been almost three years since I last saw my son. On April 26, 2017, he drank a legal drink that promised to give him some energy to get through the end of his day. He was in his last hour of class and was headed to music lessons right after school. He drank an energy drink, but unbeknownst to him or to us, it was more dangerous than alcohol and tobacco. That legal energy drink did not give Davis energy. It killed him, right there in his classroom, it killed him. The energy drink had caused a cardiac arrhythmia and within minutes it had stopped Davis' heart. My son was sixteen years old.

That's why this legislation is so important. Unfortunately, the public believes that if an item is available for sale and anyone can buy it, it certainly must be safe. But these drinks are so much more dangerous than alcohol, tobacco or even

vaping when you look at how drinking just one of them can stop the heart and kill someone. Yet, the U.S. is selling them to people of all ages.

Some legislators might think it's not their job to regulate what people put their bodies. That people should be free to make their own choices. I would ask them this. Are they against regulating the sale of alcohol and tobacco to minors? How would this be any different? Sean and I support this bill because it would accomplish several things.

One, it will immediately prevent children from purchasing these beverages. This step alone will save lives starting the day it is enacted. Two, it will remove these drinks from vending machines, further restricting access for our youth. Finally, we support this bill because the new law itself will be the best educational tool we could create. Labeling isn't effective with teens. As long as teenagers are bombarded with marketing about how cool these drinks are and how -- and as long as they can legally purchase them, they will think there is no danger. If they can't purchase them, they will realize there is danger.

This bill would also create -- also educate parents and grandparents. I bet it's safe to say that practically everyone realizes alcohol and tobacco are dangerous now. Many still choose to use them, but they go into it knowing the dangers due in part to the age restrictions. And that's what we're trying to accomplish. This bill will not only save our children, but it will educate them and the rest of the public on the dangers associated with consuming them. I ask you to please pass this bill.

REP. LINEHAN (103RD): Thank you very much for your testimony. Thank you for being here and sharing your story with us. I am so very sorry for the loss of your son.

MS. CRIPE: Thank you for having me.

REP. LINEHAN (103RD): My question to you is, were you aware that your son was consuming energy drinks?

MS. CRIPE: We had known he had had a few in the past. We had had conversations with him about too much caffeine is dangerous. Unfortunately, three years ago, even Sean and I, his dad and I, didn't realize that it was not just caffeine in these drinks that was causing these problems. And so, he had just turned sixteen. He had just got his driver's license. He had just gotten a job, all within two months. And he went to heaven two months after he turned sixteen. So, he could stop at any gas station, any store, and grab one. We did not know he had one with him at school. We did allow them in our home. We would not have wanted him to buy one. But he could.

REP. LINEHAN (103RD): In this building we often have to make compromises in order to get a law passed. I liken it some days to selling my soul. I want this bill to be eighteen and under. That's how I think it should be. I also know that making it eighteen and under would make it more difficult to pass. What breaks my heart is that your son was -- did you say sixteen years and two months? He would've had a license that would've allowed him to buy this energy drink under this legislation. And you still wouldn't have known about it.

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I think it's important that we pass this bill even if we have to do it at age sixteen. But I believe it should be age eighteen. And I just -- we're discussing this bill and its final passage out of committee and onto the floor, I will be asking my committee members to remember your testimony and see if we have support to actually make it eighteen. Because no one should be sixteen years and two months and go to heaven. Thank you very much for your testimony. Are there any questions from members of the committee? Yes - no? Oh, Representative Wilson-Pheanious seconds that. Thank you, ma'am, very, very much for your testimony and we appreciate you coming all this way.

MS. CRIFE: Thank you so much for your time.

REP. LINEHAN (103RD): Thank you. I'd like to call Katrina Spina, followed by Vern Granger, please.

MS. SPINA: Are you tired of seeing my face yet? My name is Katrina Spina and I am here to testify in support of House Bill No. 5141, AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO PERSONS UNDER THE AGE OF SIXTEEN. As a twenty-year veteran teacher, I have seen first-hand how the consumption of these drinks can have a negative effect and dangerous effect on children.

Earlier my students referenced a *Buzz Kill Study*, by our own Senator Richard Blumenthal. I'm going to cite a different part of that document that they did as it pertains to adolescent development and behavior, two areas that I am charged with overseeing on a daily basis. I will paraphrase due to my time constraint. Caffeine affects sleep and sleep quality that have been linked to poor school performance and learning. This can lead to

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consumption of more caffeine again later on in the day, compounding the issues.

Data has shown that students who often consume energy drinks are more likely to have low attendance, have disciplinary issues and receive lower grades as well as a higher risk -- higher rate of risk of alcohol, cigarette and drug use. Adolescent brains are more susceptible to these types of substances, especially teenaged boys, and are linked to evolving into a habitual brand preference that can perhaps lead into habitual patterns that will last well into adulthood.

I'd like to share a personal story that fully supports these findings. Last year my 7th grade student, we're gonna call him "Sam," was experiencing extreme difficulties both at home and at school. His effort in the classroom was minimal. His grades were all failing. At one point, his average in my science class was a 12. He would cut multiple classes on a daily basis, even leading our security team around the halls on a chase to try to get him to stop and get into a safe place. He was defiant. He was disruptive and disrespectful.

We tried multiple times to reach out to his parents and they voiced their frustration and inability to control him as well. They were at a loss. After several meetings that involved school personnel, his mother, and outside counselors, our school nurse came in and informed us that Sam was consuming a Monster Energy drink every morning, and had a second one in his backpack that he would drink at lunch. Mom had no idea that he was drinking them. He was buying them at Cumberland Farms on the way to school.

We explained to her the ingredients of the drink and the effects they have, and asked if she would be willing to make an effort to get him to stop drinking them. At first she didn't want to believe they could be contributing to his behaviors, but she said she was willing to try. It took about two weeks for both parents and school staff to be able to monitor and effectively wean Sam off of the energy drinks and get him to drink water bottles instead. But it did happen. And guess what? Sam's office referrals decreased. Sam became less disruptive in class. He got more sleep and came to school in a better mood. Sam was able to focus more and get work done.

Now, this year, as an eighth grader, Sam has had zero disciplinary issues, infractions and has all As and Bs in class. He's even begun taking classes on automotive repair and has plans to attend a technical high school next year. Sam checks in with me regularly and is a completely different kid. I am so proud of who he is now.

I understand these companies have a business to run and the last thing they want to see is a drop in sales. I would love to see these drinks banned completely, but I respect their right to sell and the adult choice to drink them. And while I would be concerned about any parent who would be -- willingly allow their child to drink these beverages, I respect their right to make that choice as the child's parent. This is why I support this bill so passionately. It is written in its form with children in mind who do not have parental supervision in the moment they step into the store to purchase these drinks.

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With the number of adolescents drinking these energy drinks, and the number of parents saying they do not support their children drinking them, it is clear that the majority of adolescents are purchasing them without parental consent. I truly believe this bill is designed brilliantly by its author and my students, not to control, but to protect. I thank you for your time and welcome any questions.

REP. LINEHAN (103RD): Thank you very much and way to go, Sam. Right?

MS. SPINA: We're so proud.

REP. LINEHAN (103RD): That's fantastic. We hear in this building a lot of children who need these interventions and who are out of control and have trouble in the classroom. We're even now talking about possibly mandating later start times because of kids' inability to sleep just due to their own natural body rhythms. So, knowing that, we have a case study right in front of us that there some other issues that go into children's behavior, that go into inability to sleep and that answer could actually be right in front of us, by limiting the age by which that they can purchase that without parental guidance. So, I appreciate that greatly.

I also know -- by the way, thank you for doing all the work that you do. You know, you should really be up for teacher of the year. I'm just gonna say that, even if -- if you don't get it, then it's rigged, because you've really done an excellent job with all of these kids and I've seen you at work in your classroom and you're really fantastic.

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MS. SPINA: Well, thank you, but I do want to also give credit to my colleagues, because without the support of them, this also wouldn't be possible.

REP. LINEHAN (103RD): Absolutely. And great work to you too. If you don't mind, I'm gonna go off a little bit here and I want to ask you about an additional piece of legislation that I know you're familiar with.

MS. SPINA: Go for it.

REP. LINEHAN (103RD): That would be House Bill 5335, AN ACT CONCERNING THE PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE. You are a softball coach. Correct?

MS. SPINA: Correct.

REP. LINEHAN (103RD): I happen to know that you have a wonderful young lady on your team.

MS. SPINA: I do. I have several wonderful young ladies.

REP. LINEHAN (103RD): Several wonderful young ladies. Last year, in the middle of a tournament, right before the championship game, your catcher was involved in an incident.

MS. SPINA: Correct.

REP. LINEHAN (103RD): The catcher, as many people know who play sports, is crouched down behind the plate with an adult umpire leaning over and in very close personal space and proximity. Correct?

MS. SPINA: Correct.

REP. LINEHAN (103RD): And this particular umpire was asking this particular child questions that we

explain to our children over and over again never to divulge those answers to a strange. Isn't that correct?

MS. SPINA: That is correct.

REP. LINEHAN (103RD): That child did something a little out of the norm for a child. That child, first of all, she was asked where do you live; what school do you go to; how old are you; are your parents here. All of these things that really put this young girl ill at ease. She then ripped off her facemask, slammed it on the ground, and screamed over and over again at the top of her lungs, I don't feel safe. I don't feel safe. I don't feel safe. That was a powerful moment wasn't it, Ms. Spina?

MS. SPINA: In the twenty-five years that I have been coaching youth softball from ages eight and nine through high school, I have never seen anything like what I saw that day.

REP. LINEHAN (103RD): But what was tremendous is as her coach, you took the initiative to talk to the umpire, the league, not only the state league, but also give information to a national league about proper behavior between children and coaches and umpires.

MS. SPINA: I did. I immediately called the umpiring chief for the state, who runs the tournament. I happened to have a relationship with him. He was an umpire when I was playing when I was younger. And I explained to him that ill -- whether it was ill-intended or not, it was completely and totally inappropriate to speak to a child in that way. And he completely agreed with me.

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REP. LINEHAN (103RD): And because of that, information was disseminated to umpires on the state level and also provided for the national league so that they can distribute that to umpires in other states as well. Correct?

MS. SPINA: Yes. As a matter of fact, the umpires are now required to do a refresher training before the season, which we're right about getting to that point. And this umpiring chief is including this case study in his training with his umpires this year and moving forward.

REP. LINEHAN (103RD): Well, I didn't know that. This bill would require that information is given to anyone who is in the care of children in a youth-serving agency like sports, Boy Scouts, YMCA, anything. As a coach and as someone who has witnessed this behavior, and stepped in to do something about it, do you believe that this bill would accomplish some of the goals that we've set forth to not only teach adults the proper interaction with children, but also to teach parents about that proper interaction?

MS. SPINA: I absolutely do. I am fortunate in the fact that as a Connecticut teacher and being the person that I am, I always try to think how would a child feel if I approached them this way? Unfortunately, not everyone does. Not all teachers do and even some people who sign up to coach don't always have the best bedside manner, for lack of better terms. They don't understand sometimes the impact of their words and their actions have on children. Also too, I've learned as an educator that sometimes when we attempt to try to get a point across to a child, their interpretation can be

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completely different from the intent. And it's by no fault of theirs.

So, if there is any opportunity -- and I would be willing to read, research, go through a background check, anything that would make a child and a parent feel safe about their child being on the field with me. If anyone has the best interest of children at heart, they should not oppose this at all.

REP. LINEHAN (103RD): And which brings up another question that we heard from Commissioner Bye regarding the fact that teachers and coaches and whoever pays for a background check in their work with children, doesn't actually own that, doesn't own the results of their fingerprint background check. And that the governor and the commissioner are looking for ways to allow you to own that information and be able to share it with other places in which you would go to serve a child. Would you find that to be beneficial?

MS. SPINA: Absolutely. As a matter of fact, I was just lining up tournaments for our season coming up, and to register with the USSA Softball Association for us to attend two tournaments, I could not register my team until I paid for and to come to a background check.

REP. LINEHAN (103RD): So -- so places are already doing this. So, I would still like to legislate that it needs to be done because not all places are doing it. Right? But then I believe that the information that you just shared shows that it is a good practice.

MS. SPINA: Absolutely. And anyone who has the best of children -- I'm a parent. I'm an athlete as

well. Anyone who has the best interest of children and who wants to earn the trust of their athletes and their athletes' parents should have no problem with this.

REP. LINEHAN (103RD): I thank you very much for your testimony. And if my kid ever decides to play ball, I think I'd be proud to have you as a coach. Are there any questions from the committee? Seeing none. Thank you very much.

MS. SPINA: Thank you.

REP. LINEHAN (103RD): Vern Granger, followed by Lucy Nolan, please.

MR. GRANGER: Good afternoon, members of the committee. My name is Vern Granger. I serve as the director of admission at the University of Connecticut, and I am here to speak in opposition to Senate Bill 285, on student information collected through the college admissions process. And again, I want to thank the committee for allowing me to come and provide testimony. And I just want to start off by saying that the University of Connecticut takes seriously our role in attracting and retaining the best and the brightest students.

Prior to 1995, and the part of UConn's 2000 plan, our state was experiencing a brain drain and we were losing many of our best students to out of state schools. But through strategic investments of state leaders, UConn has reversed this trend and, you know, we are now a very highly desired destination for our young people. We've seen increases in our diversity, increases in the quality of our students. And we believe one of the important tools of this that has allowed us to make the progress possible is

our ability to obtain information on test takers in order to be able to provide better information about the wonderful opportunities that the university has to offer.

You know, we recognize the purpose of this bill, and as a university we do take great strides to ensure the privacy of our student's data. And while we appreciate the intent of the legislation, we must speak in opposition of the act. We do so on the grounds that this not only creates greater impediment for access to post-secondary educational opportunities, but it would put Connecticut students at a strategic disadvantage for the educational opportunities not only within the state, but also nationally.

Currently, student information through testing agencies serves as the primary source of information to colleges and universities to be able to identify talented and diverse prospective students. And, likewise, through the process, prospective students learn of opportunities they never knew existed, and often begin to envision themselves as a college student for the very first time. So while the act suggests simply implementing parent and guardian consent, it is important to recognize how a more complicated process would actually suppress college going rates.

Currently, the SAT examination serves as the statewide exam for students in their junior year of high school. Registration for the exam is facilitated through the State Department of Education on behalf of the student, who later indicates where to send their score, which also

provides the student the opportunity to opt out of recruitment messages from colleges and universities.

So, we believe the added step is unlikely to be completed by many states, not out of disinterest in receiving information about post-secondary opportunities, but due to the disjointed and increasingly complicated nature of the consent process. We also believe that this will have a disproportionate impact on the college going rates of low income, first generation and underrepresented minority students.

And the communication from colleges, both from within the State of Connecticut and outside of the state, will be their first, and many times the only real contact that students will receive about the college search process. For those coming from these under-resourced secondary schools, this legislation could disproportionately negatively impact from these communities about receiving timely and relevant information about colleges that could prove to be a great fit academically, socially as well as financially. So, thank you very much for your time and consideration and I'm happy to answer any questions.

SENATOR MOORE (22ND): Are there any questions, comments? Thank you for your testimony.

MS. NOLAN: Senator Moore and members of the committee. My name is Lucy Nolan. I am the director of Policy and Public Relations at the Connecticut Alliance to End Sexual Violence. We're a statewide coalition of nine member groups for sexual assault crisis centers across the state.

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I wanted to testify on four bills today and I want to say first off that these -- I appreciate and thank you all for raising these bills about child sexual abuse and ways to learn and to help prevent, because that's what this is about and we're fully behind them.

First, H.B. 5335, AN ACT REQUIRING THE PROVISION OF INFORMATION CONCERNING CHILD SEXUAL ABUSE. The intent of this legislation can really help children and guardians to be watchful of grooming, which is something that I think we don't always pay attention to. And there are really six steps to what someone does to groom. And to be able to teach kids and parents how to watch out for that would be just great. And I would like to say that the Alliance always works with coaches right now. We have two -- we're working with CCADV, I'm Coaching Boys into Men, and another one, with coaches to work with high school athletic groups, called We've Got Your Back, to give support to students who feel like that they can -- that they're under sexual -- have sexual harassment or sexual abuse.

We ask that if we could, we'd love to be -- help give technical assistance to this and also we hope that on anything that gets sent out that the Alliance's 24/7 hour toll free number is included as well because that gives people a chance to call someone when they need it.

H.B. 5333, AN ACT CONCERNING THE CENTERS FOR DISEASE CONTROL AND PREVENTION YOUTH RISK BEHAVIOR. I think we've heard why it's such an important piece of legislation. But this -- again, I think -- we've asked and tried to get some questions on these two surveys. And so, if you can do it that would be

great and we would help you try to talk about, figure out what those questions are. What we do know is that the more people know about these problems, the more likely they're -- it's a prevention and it's also a way that children will feel comfortable to talk about them. And that's key. And so we request that we also be included in -- on the -- as a consultant when building that information.

And then H.B. 5332, AN ACT REQUIRING A STUDY FOR THE TIMELINESS OF REPOT AND FAILURE TO REPORT BY MANDATED REPORTERS. We have unfortunately heard of people who have been victims of sexual abuse, child sexual abuse and it was not reported. And it could be because somebody thought that it was already reported or it didn't rise to a level where somebody thought it should be reported, but we find out later that it create -- because of not being reported, these kids were left in a very dangerous position.

I just have one more thing. H.B. 5336, AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF LICENSED YOUTH CAMPS. I can't say anything more than what Commissioner Bye said. Everybody should have this. I texted my son, who taught for four years during the summer with camps and did a lot of outdoor activities with kids, and every time he had a background check and this was when he was in college. So -- and so I would ask -- and also, if you're gonna put the child abuse registry that you include the sex offender registry as well as one of the things that need to be checked. So, thank you very much for this opportunity to speak to you.

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SENATOR MOORE (22ND): Hi, Lucy. So, you mentioned We've Got Your Back. I had not heard of that before.

MS. NOLAN: So, it's -- we're working with DPH and also with the Interscholastic Connecticut Association of Schools, Connecticut Interscholastic Athletic Conference. And it's a series -- it's sort of -- it's a campaign to alert kids. And we have posters that we send to all the -- to schools, and there are big banners to go for athletic events. And it's using athletes in the schools to support each other and to say we've got your back. If something's going on, we're gonna be there for you. And it's a way to really include sort of the leaders in the schools in looking at sexual harassment issues in the schools.

REP. LINEHAN (103RD): Thank you. And so, the We've Got Your Back. I just want to talk a little bit more into that if you don't mind. So, it -- is it, like, a -- it's training kids to be peer counselors or --

MS. NOLAN: Yeah. So -- sorry, didn't -- it's -- it is -- we work with the coaches and it's also great training. It -- so, the coaches work with kids and teach them about sexual harassment issues and how to -- how to help other kids to do it. I have to tell you that this is not something that I'm, like, hugely familiar with and I can get you the information about it. Beth Hamilton, our deputy director, has been doing a lot of work on this with DPH.

REP. LINEHAN (103RD): I'd love to see that. Thank you. And are you familiar with something called SafeSport.Org?

MS. NOLAN: I'm not, no.

REP. LINEHAN (103RD): I just learned about this yesterday. Apparently, SafeSport.Org works with U.S. Olympic Committee sanctioned sports teams, sort of like the farm teams, to come up and to be possible Olympians. And then I spoke with a coach who is that high-level hockey, who is required to watch this SafeSport.Org video, which is -- it's very in-depth about these behaviors that are appropriate between adult and child. I haven't had a chance to look at it yet, but I thought maybe you would've looked at it. But if not, can you -- would you mind writing that down and taking a look at it and then, you know, the co-chairs can discuss with you? And if you think that it's actually something good to base our handout on.

MS. NOLAN: Okay.

REP. LINEHAN (103RD): So, I appreciate that. Are there any other questions from the committee? Hearing none. Thank you.

MS. NOLAN: Can I just one thing.

REP. LINEHAN (103RD): Oh, sure.

MS. NOLAN: On Coaching Boys into Men and We've Got Your Back; I linked them into my testimony. So, if you want to go online, you can go and find that, so.

REP. LINEHAN (103RD): Absolutely.

MS. NOLAN: And then also consent. Let's not forget consent. Because if we start teaching kids consent in kindergarten, they'll learn to -- they'll learn what yes and no means later on as well.

REP. LINEHAN (103RD): Right. So, is there actual curriculum surrounding consent or is that just part of the social-emotional learning curriculum?

MS. NOLAN: Right. It's part of the -- it's social-emotional. But there was a bill last year that was passed to teach consent. And so I know our member centers, they have educators that go out into the schools and they teach about consent.

REP. LINEHAN (103RD): But that -- wasn't that for upper grades?

MS. NOLAN: I --

REP. LINEHAN (103RD): Because I seem to -- because I seem to remember, actually, going up to the House Chair of Education and saying we need to teach our kids consent in Pre-K and in kindergarten. I -- you know, it's something I teach my own kids. They've been saying since they could talk personal space. So, I'd really love to look into that because, you know, we'd like to think about more ways that we can teach consent and through the social-emotional learning collaborative that might be a way to do that.

MS. NOLAN: Yes.

REP. LINEHAN (103RD): All right, excellent. Thank you. Are we sure there's no more questions? None. Thank you so much.

MS. NOLAN: Thank you very much.

REP. LINEHAN (103RD): So, we're going to try to pull up some of the kids. So to make sure -- because in this committee we do try to give children precedent here. So Gabriella, if you could come up.

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GABRIELLA: Hello. Good afternoon. My name is Gabriella Talise (Phonetic) and I am from Cheshire, Connecticut. I'm currently a sophomore at Cheshire High School and I'm here to express my support of House Bill 5334. I don't believe it has been discussed already today, so I would like to give a little brief explanation of what this bill is going to accomplish.

So, with the passing of this act, it would require online sellers of electronic nicotine delivery systems and vapor products to require purchasers of such systems and products to, one, provide identification at the time of the purchase and, two, ensure that the name on such identification matches the name on the method of payment used to make the purchase. [INAUDIBLE-03:22:49] create tighter regulations with the purchase of electric nicotine delivery systems online, more has to be done.

I have seen my fellow classmates use and abuse these devices because of the lack of regulation. I have also seen through these past years in high school how much underage vaping has affected our schooling. Many of our bathrooms are not open and the ones available have monitors outside to come in if they think anything suspicious. These decisions have been made out of the care of our student population. But it does beg the question, why do so many kids still have vapes? Our school has had several assemblies addressing this issue of vaping and the danger of vaping has been more discussed in our health classes.

There have already been many cases in the U.S. of illnesses and deaths linked to vaping and their toxic ingredients in them. The CDC has stated that

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the vitamin E acetate in these vapes is one of the main causes of these deadly lung diseases among teens. The global E-cigarette and vape market size was valued at \$12.41 billion U.S. dollars in 2019 and is expected to grow. An industry of this size needs to have stricter regulations to protect underage people from misusing it. I strongly support this bill and I hope you do too.

Thank you, legislators, for your time and consideration of my position of House Bill 5334. And I'd be glad to answer any questions concerning my position on this bill.

REP. LINEHAN (103RD): Thank you very much. You did a great job. And I'm glad that you're here to testify on this bill. We haven't had a lot of attention for this bill. And just to give you a little bit of background. This was originally supposed to be part of the tobacco 21 legislation. And believe it or not, it was inadvertently left off of the final bill. So I have a question for you. It was actually one of your schoolmates that alerted me to the fact that those Visa debit cards are being used to purchase this stuff online. Are you aware of this? Did you know that they were using gift cards and the debit cards that you can get -- that you can buy at a grocery store in order to purchase these products?

GABRIELLA: I was unaware that you could use Visa gift cards, but I was aware of people using other credit cards to do this.

REP. LINEHAN (103RD): Yeah. And so what this legislation would do would require that your uploaded license that has your name on it or someone else's, it has to perfectly match the name on the

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credit card. So, that would effectively make it illegal to use or -- and impossible to use a gift card to purchase these end products. And given that information, do you believe that that would help cut down on the amount of kids who are able to purchase this without the knowledge of their parents and do so illegally?

GABRIELLA: Definitely. With using the gift cards would leave -- would not leave a mark on, like, a credit card bill, like, if you used your parents' credit card. And with passing of this and not being able to use those gift cards would definitely make it a lot --

REP. LINEHAN (103RD): Yeah, a lot more difficult, right?

GABRIELLA: Mm-hmm.

REP. LINEHAN (103RD): Absolutely. All right, excellent. Great job. Is there anyone that would like to ask her a question? Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you for coming up and testifying today. I have a granddaughter that's a sophomore in high school and I've asked her about vaping. With all the new information out about vaping and really the stories, some things you mentioned about, you know, people being injured or worse. Would you say in your high school that vaping is declining? Is -- are kids starting -- I know once you're addicted, you're addicted. But are people -- is it declining and people are starting to get the information that this is dangerous?

GABRIELLA: Yes. I definitely would say that compared to my freshman year, this year has

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definitely been a lot better. I have -- remember several times last year going, like, would not want to use the bathroom at school because of I would be scared to be in the bathroom with someone who was vaping. And there's been a lot more policies and restrictions at our school because they do care about our students and want to make sure they're getting help. And there's also been many new groups and programs at our school to help kids who are addicted to vaping, to help get them off and get support from other students and teachers.

REP. LINEHAN (103RD): Any other questions? Hearing none. Thank you. But, as you know, here on the Committee on Children we like to offer a pen to reward you for your hard work and your bravery coming here to testify. So, I'd like to give that to you. And in the meantime, if we can have Fiona come up, please.

FIONA: Good afternoon. My name is Fiona Lelough (Phonetic) and I'm a sophomore at Cheshire High School in Cheshire, Connecticut. I'm writing to convey my support for House Bill No. 5141, AN ACT PROHIBITING THE SALE OF ENERGY DRINKS TO PERSONS UNDER SIXTEEN YEARS OF AGE.

To minors such as me and my peers in this room, caffeine is an addictive substance that affects our brain and growth development. Although the effects of caffeine can seem appealing at first, giving us what we believe is sustainable energy; its overdosing consumption can eventually lead to digestive problems, anxiety, fatigue and many other negative symptoms. Your average sized cup of coffee contains about ninety-five milligrams of caffeine. In any energy drink, such as a Red Bull, one twelve-

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ounce can can have as much as 111 milligrams and 140 milligrams of sodium.

This is fine for adults who have the capability of intaking approximately 400 milligrams of caffeine a day. However, for children ranging from ages twelve to eighteen years old, the University of Medicine in Michigan states that the safe amount of caffeine is only 85-100 milligrams per day. The average energy drink does go over this limit, eventually leading to negative effects in many aspects. For example, caffeine has negative effects on adolescent education, leading students to develop poor performance skills, issues in concentration and behavior in school.

I've been in this position myself in which I have desperately needed caffeine due to my energy level feeling so low. So, an easy option for me at the time was to take an energy drink in order to help me manage my day in school. And though it worked for approximately two hours, I experienced an extreme sugar crash by the time I was in fourth period. My head was pounding for the rest of the day and I could not wait until I got home to rest. Through the day, my mind could not process the information I was supposed to be taking in. I would not have experienced this if I had opted for a healthier option, such as a fulfilling energy breakfast.

When consuming extra caffeine from an energy drink, an overdose of caffeine is also possible, in which your body goes into cardiac arrest due to caffeine poisoning. An example of this can be found in fourteen-year-old Maryland resident, Anais Fournier, who died in December of 2011 due to her consumption of two Monster drinks in a twenty-four-hour period,

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which together contained 480 milligrams of caffeine. Her intake of caffeine averaged 350 milligrams over the limit for her age, becoming lethal.

Banning energy drinks for individuals sixteen and under can prevent the death of another child and improve a child's brain and performance in school. Opponents will suggest that since the U.S. is a free country and energy drinks are not illegal, then anyone should be able to purchase and drink one whenever they want. Yet, with that argument, kids should also be allowed to buy cigarettes and alcohol as well. Our country has the right to protect the interests of its people with probable cause, and the correlation of death is a very obvious probable cause. This bill will save lives and help students in the country perform better in schools and in their daily lives as well.

I'd like to thank the committee for giving me the opportunity to use my voice and testify. And if anyone has any questions, I will be glad to answer them. Thank you.

REP. LINEHAN (103RD): Thank you so much. You really did a great job. And we're very fortunate to have people testifying in favor of this bill, the parents, educators and kids. So, thank you very much for that. We really do appreciate it. Are there any questions from the committee?

FIONA: Thank you.

REP. LINEHAN (103RD): Thank you very much. And of course, you get a pen too. Thank you for all your hard work. And as I'm giving you your pen, I'd like to call up Luke Izzo (Phonetic). Okay. But we have their written testimony, so we'll make sure that the

committee understands that there is written testimony. Loretta Lowe, please.

LORETTA LOWE: I'm going to apologize first because I'm from the deep South, so I talk a lot slower and talk with a little bit of a -- a slang accent. But I'll try be as quick as I can.

Representative Linehan, Senator Moore, Vice Chairs, Ranking Members, and members of the Committee on Children, first, let me thank all the kids that have been here today and for giving me this opportunity to be here to tell my side of the story here. My name is Loretta Lowe and my husband, Joe is here with me. We're from Harrison, Tennessee which is just right outside Chattanooga. God blessed us with two children, Candice and Buddy. Buddy was our baby. He was 31 years old. Buddy had three daughters, two of his own and -- and one step-child.

And on February the 11th, life as we knew it ended. Around 8:00 p.m. that evening, I got a phone call from Rebecca, which was -- was Buddy's, my son's fiancé, asking me had Buddy ever had a seizure? And of course, I said, no. And she immediately screamed, call 911. He's not breathing. So, of course, I called 911 in route to their house. We got there and called the -- my husband had done CPR while we waited on the emergency services to get there, and when emergency services got there, they rushed him to the nearest hospital -- to the nearest emergency room. After four more rounds in front of, in -- in the ER, the doctor's like, that man said, we're sorry. We've done all we can do. And at that time, I fainted.

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Buddy wasn't sick and Buddy wasn't injured. Buddy had no known health condition. Buddy was a healthy 31-year-old son of mine. This is Buddy. He wasn't overweight. He wasn't injured. He was a good daddy. He was the ball coach for thousands of kids in the neighborhood. He worked seven days a week some weeks, and that was his first Sunday off when he went into cardiac arrest.

Dr. Cogswell called eight weeks after his death with the autopsy report because we -- we had no reason for his death, so we -- we had no reason for his death, so we -- we -- we demanded an autopsy. And Dr. Cogswell called and shocked us because I've never heard of anybody dying from energy drinks. I had never heard of anybody being sick from energy drinks. It was all new to me. So, when he told us the -- the results, I got online and I started researching for myself, and I found that my son was, by far, not the only death by energy drinks.

Right now, on one certain group that I'm on, energy drink awareness group page on Facebook, there is over four dozen deaths posted right there now. This morning I woke up to a new death posted on that energy drink awareness page. Every time it's a shock to my heart, because I never know when the next kid, like a niece or Davis or one of these children in the room is going to get an energy drink and we never know what it's going to do. So, if this can do this to my son, what can it do to these kids. He was a grown man. So, I -- I want to thank you, very bright kids that are here today who have taken all the steps necessary, I want to ask everybody to pass the bill 5141 for one -- for these children's sake and Connecticut

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it can be life changing without this being passed, it can also be life changing for the parents. The stimulants that are in these are not just caffeine. It's a mixture of stimulants, and that mixture of stimulants is what is believed, even though there's no testing because they claim to be dietary supplements so the FDA can't test. If I'm wrong about some of my facts, I'm sorry, but this is the facts that I've got through my own research. I want to thank you all for your time. It's not exactly what I wrote. I talked to you from my heart. And that's all I have.

REP. LINEHAN (103RD): Okay.

LORETTA LOWE: Thank you.

REP. LINEHAN (103RD): Thank you very much. I -- I appreciate that you spoke from the heart. We have your written testimony and -- and we will absolutely look that over. As far as I know, you're not wrong on your facts. You bring up such a really good point. And I just want to keep driving it home for everyone here. If your son, who was an adult, with no known health problems before or after death, because that autopsy would have revealed --

LORETTA LOWE: The autopsy did reveal that my son had -- his official cause of death was hypertrophic cardiomyopathy with small coronary arteries. And when I asked the -- the coroner -- the medical examiner, Dr. Cogswell was his name, what that meant. He explained to me like this, he said, that the -- his -- that the stimulant mixture in those energy drinks shrink your arteries, and they had shrunk his coronary arteries so small that they could not physically carry the blood to his enlarged heart. We knew that my son did have an enlarged

heart before death, because a few years before his death, he had had a pretty serious motorcycle wreck. And of course, when he was flown to the hospital, they checked everything on him as far as all of his organs. So, I have the printout of his organs, his heart was of normal size. So, it wasn't like he was born with a heart defect or a -- a heart condition. A few years before that, like I said, I have his medical report showing that his heart was a normal size.

So, Dr. Cogswell explained to me that every time my son would use an energy drink, it would cause his heart -- heart rate to increase, his blood pressure to increase; therefore, giving the muscle like a workout like you would if you go to the gym. He -- this is exactly what medical -- the medical examiner said to me. He said every time you go to the gym, what happens to a muscle when you work it out, it gets bigger and harder. I said, that's right. He said, the heart is a muscle. Every time you give it a workout it -- it could get bigger and harder. Your son's heart was very larged -- enlarged, one and one-third time size larger than the normal heart and the walls were very thickened. All he contributed to was the energy drink.

He said he had done five level -- there was five levels of -- of testing that medical examiners use. He said, he done the most extensive comprehensive testing available other than the stuff on CSI that's not real, on my son that there was. And he said that he absolutely ruled everything else out, that it could not have been anything else but the energy drink that he drank a couple of hours before he died.

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Now, he had drank those energy drinks every day for five years. So, every day his heart was getting bigger and harder. And then, that day with that big heart demanding more blood, his coronary arteries -- arteries shrank so small that -- that energy drink that even -- that he went into cardiac arrest.

REP. LINEHAN (103RD): And again, I reiterate if that happened to an adult, imagine what's happening to our kids.

LORETTA LOWE: That's correct. I have grandchildren I don't want to bury.

REP. LINEHAN (103RD): I think that you, once again underscore that -- while this bill is written for 16 years old, perhaps it's time for this committee to discuss 18 years.

LORETTA LOWE: I think so, too. I would appreciate that.

REP. LINEHAN (103RD): Thank you, ma'am, so much for your testimony. Is there any questions? Representative Hayes has a question for you, ma'am.

REP. HAYES (51ST): Thank you, Madam Chair. First of all, thank you for being here, and don't ever apologize for your accent because I really enjoyed listening to it. [Laughter] My question is, have you relocated or did you travel here just to --

LORETTA LOWE: No, I --

REP. HAYES (51ST): -- testify?

LORETTA LOWE: -- traveled here for this. I -- I'm -- we came here from -- from Tennessee for this hearing. I -- I just -- this is the first bill that I have seen from the kids since this happened to me

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two years ago. I only lost my son two years ago, February 11. And this is the first time that I've the opportunity, and when I saw this online -- I actually saw this online on the awareness group page, this story about these children trying to save the lives of other kids in -- in Connecticut. And I -- I -- my heart wouldn't let me stay home. I had to be here to tell the truth about how deadly energy drinks truly are, and to support these kids that have done amazing research and amazing work, because they -- they have found more stuff than I have. And trust me, when I say I spent many long nights looking on the internet for information to -- to explain to me why my son's dead.

REP. HAYES (51ST): Okay. Well, thank you for being here. I'm sorry for your loss, and you really touched me. So, thank you.

LORETTA LOWE: Thank you.

REP. LINEHAN (103RD): Are there any other questions from Committee members? Hearing none, thank you very much for being here today. Ah, just one second, please. Jasmine Sampson, please. Hello.

JASMINE SAMPSON: Hello. Good afternoon. My name is Jasmine Sampson and I am here to give testimony or my approval of Bill No. 284. I have -- we have serviced the Department of Children and Families, DCF with school and livery transportation -- oh, I'm sorry, this is -- this is AN ACT CONCERNING THE DEPARTMENT OF CHILDREN AND FAMILIES TRANSPORTATION SERVICES.

We have serviced the Department of Children and Families, DCF with school and livery transportation for almost 10 years. We have been through many

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changes with the Department, but we have stuck through lots of tough circumstances. Although, we are thankful for DCF and its staff for utilizing our services, we have struggled over the years to obtain correct and timely payments. DCF, at one time, owed us over \$250,000 dollars. Things are slightly better now, we are \$65,000 dollars in arrear as of today, well it's better than \$250,000 dollars.

We have worked so hard to make sure we provide the best service for the Department of Children and Families, and established great working relationships with social workers, school officials, and foster parents for those children we've transported consistently over the years. However, we have some major concerns with this new transportation process governed by Advanced Behavioral Health's, ABH -- ABH's School of Origin Transportation Unit.

Advanced Behavioral Health was an agency utilized by DCF in the past to credentialed Transportation Providers. This gave ABH access to each company's behind the scenes information, insurance carriers, vehicles, drivers, etcetera. About a year ago, DCF put transportation out for bid, several transportation providers, including our -- including our company put in a bid for transportation -- for the transportation contract. To say the least, we did not receive the bid. That's okay. It's fair enough, but it was very problematic to see that the same company that was used to credential our businesses, was the same company to receive the bid. And just to a note to that, Advanced Behavioral Health is a mental health agency. It has nothing to do or have no prior experiences with transportation. To this date, there is no public information

anywhere online where we can view ABH's bid for the transportation, which seems a little disturbing to us.

Since ABH was awarded the transportation contract, things have been very hard to maintain for our small business. One issue is invoicing, billing, and payments. We were told by ABH that Run information sheets with pricing information would be provided once a child was placed on our roster and that rates would be based on actual time.

We have yet to receive any pricing sheets or any information for any of our children we currently transport. This school year's billing is now being based on estimates. This poses a huge issue, because we are transporting blindly. Meaning, we are transporting children without knowing how much we are billing for each child and if the billing is actually correct. This means we cannot create invoicing, we are now showing -- we are now showing negative in our accounting system due to lack of transparency about what the rates are and how they are being calculated.

I'll go to the dispatching system, which -- which is a huge problem. The drivers -- our drivers are now required to use a software called Routing Box, which is designated for non-emergency medical transportation, which we are not. This system is very flawed with many problems. There are several issues or lots of issues with pickup and drop-off times for children. There's often many times where the address in the system for schools and the pickup and drop-off times are incorrect, meaning, that if our drivers -- you know, if our drivers are not thinking, or if we are not in the background, you

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know, looking over everything, children could get dropped off to wrong destinations at the wrong time. Children can be removed from our -- from our rosters without notice, meaning that student could be stranded at school and we have no control over this.

There are just several -- several -- several issues. Foster parents, drivers, and schools are frustrated and have complained regularly about this new system.

We certainly take pride in what we do. We take pride in our service. However, these drastic changes are directly affecting the children of Connecticut and small women and minority-owned businesses, which is unfortunate because the same entity, which is the State Of Connecticut, that encourages startups for small minority-owned businesses will be responsible for the closing of these same types of businesses. We --

REP. LINEHAN (103RD): Excuse me.

JASMINE SAMPSON: Yeah.

REP. LINEHAN (103RD): Thank you very much.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): We did have the time limit. So, we ask that --

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): -- you just do a quick summarization. And then, we can move to questions from the Committee.

JASMINE SAMPSON: Okay. We are --

REP. LINEHAN (103RD): Yes. Thank you.

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JASMINE SAMPSON: We are requesting an internal audit of DCF and ABH's and their -- and their transportation unit, we are requesting to see how much of the transportation budget is going to Advanced Behavioral Health, and to review the rates being paid for transportation and to check out the efficiency of their Routing Box app. We are ultimately requesting to return to the previous rates established a couple years ago. Thank you.

REP. LINEHAN (103RD): Thank you very much and we -- as the House Chair of the Committee, I had just been informed of this issue. So, hopefully we'll be working towards settling that. Are there any questions from the Committee members?
Representative Kokoruda.

REP. KOKORUDA (101ST): Yes, thank you Jasmine for being here. What is the name of your company?

JASMINE SAMPSON: Piggyback Rides.

REP. KOKORUDA (101ST): Piggyback --

JASMINE SAMPSON: We're in Hamden.

REP. KOKORUDA (101ST): -- Rides? And how many companies are like you, do you know? Do you have any idea?

JASMINE SAMPSON: On -- oh, it's about 30 companies right now --

REP. KOKORUDA (101ST): Oh, 30 companies?

JASMINE SAMPSON: -- that transportation -- that transport for ABH.

REP. KOKORUDA (101ST): Would you elaborate really on how the current payment works? I mean how -- how

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does it work? This company -- this ABH came in really to administer the system --

JASMINE SAMPSON: Uh-huh.

REP. KOKORUDA (101ST): -- and you actually put a quote in --

JASMINE SAMPSON: Yes.

REP. KOKORUDA (101ST): -- to not only provide the service. but to administer it, but ABH got the service contract?

JASMINE SAMPSON: Yes, correct.

REP. KOKORUDA (101ST): And so, could you elaborate a little bit on -- on -- on how the -- what the structure of the current payment structure is, if you could?

JASMINE SAMPSON: To be honest --

REP. KOKORUDA (101ST): Just briefly.

JASMINE SAMPSON: -- with you, the current structure that they use is just, we really can't put our -- put our finger on it. We've had several provider meetings in which lots of transportation provider companies like myself have expressed that we just cannot figure out the rates. A few years ago, DCF, they had rates that was, I guess put in place by the federal government, which was good. We were able to -- everything was transparent. We were able to see what the hourly rate would be, what the mileage would be. But it's with this -- I cannot -- we cannot -- we -- we don't know until they send us a 1500-line spreadsheet and we have to go through, line by line, to see if their numbers are accurate.

And unfortunately, a month of transportation can go by and then they send us these spreadsheets at the end of the month, and they want us to correct it within two days. And it -- and it's kind of like we're stuck, because we don't have time to sit and go through 1500 lines to see if everything is accurate. So, a lot of companies are just taking what they -- what they give, because we need money to operate. So, it's just -- we -- I -- I can't even put -- I can't even put my finger on how they're coming up with these rates. Again, there's no transparency regarding this topic.

REP. KOKORUDA (101ST): Jasmine, prior to this change in the structure and ABH being involved, was the only problem really was just getting paid late?

JASMINE SAMPSON: Yes, that was the only problem.
[Laughter].

REP. KOKORUDA (101ST): And that --

JASMINE SAMPSON: It was a big problem.

REP. KOKORUDA (101ST): -- was a problem.

JASMINE SAMPSON: But at least, when we were paid, we were -- we were -- we had enough money to sustain, and actually make a profit for our businesses.

REP. KOKORUDA (101ST): When -- when you getting paid late, could you charge a late charge?

JASMINE SAMPSON: That's another thing that we were looking into, but I -- I believe that there were -- there is something in place saying that we could charge interest on those late payments, but we didn't -- we didn't.

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REP. KOKORUDA (101ST): So, obviously your -- your support is for this -- is it S.B. 284?

JASMINE SAMPSON: Yes.

REP. KOKORUDA (101ST): And you believe, in doing an audit, we'll really be able to flush this all out and bring everything into the light?

JASMINE SAMPSON: Yes. We just need some attention just brought to this matter, because the way things are going, there are a lot of small businesses, particularly minority owned and women owned businesses that will close their doors within the next three months. We're already had a local company which is, maybe about a couple of miles from us, she had to close her doors because the money, it just -- it just, it wasn't -- it wasn't there. It wasn't enough.

REP. KOKORUDA (101ST): Okay. Jasmine, thank you very much.

JASMINE SAMPSON: Thank you.

REP. LINEHAN (103RD): Thank you. Excuse me. Anybody else? So, I had put in a bill last year that would have, if you got your payments -- if you were a non-profit business working in the state, if you got your payments late, there was an interest that would build on it that you would get back. But we're not sure what happened with that bill. So, I've got to follow through on that, because I know what it's like to wait for that money when you're small and you're dependent on that money to pay everybody else, you don't have a cash flow coming in from other places. So, I'm going to check on that.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): And then, the other, did you try doing the Freedom of Information to get the information on the bid?

JASMINE SAMPSON: No, we usually -- I mean, usually you can go in and you can look and see -- like its public information, but -- no I haven't.

REP. LINEHAN (103RD): You could just request it on FOI to find out --

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): -- what the bid was.

JASMINE SAMPSON: Okay. And going back to that with the interest that, you know, we would have to really sit and track every day, what the interest rate is for every single day, and that can, you know, if you have an accountant or bookkeeper that has to track that -- that's extra --

REP. LINEHAN (103RD): We weren't looking at you tracking it.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): We were looking at, we know we're late in paying you, and paying you --

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): -- interest on what we're late here.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): Just not -- a penalty --

JASMINE SAMPSON: Okay.

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REP. LINEHAN (103RD): -- for the state, and hoping that that would then make them do their work on a timely basis.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): The payment agency, whoever it was.

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): All right.

JASMINE SAMPSON: All right.

REP. LINEHAN (103RD): But I'm going to check on that to find out what happened --

JASMINE SAMPSON: Okay.

REP. LINEHAN (103RD): -- all right?

JASMINE SAMPSON: Thank you.

REP. LINEHAN (103RD): Thank you. Anyone else? Thank you Jasmine.

JASMINE SAMPSON: Okay. Thank you.

REP. LINEHAN (103RD): Senator Champagne.

SENATOR CHAMPAGNE (35TH): Thank you so much Chairs and -- and Ranking Members for allowing me to speak today. I -- I brought together today a bill, and this bill was actually brought to me by a constituent who is not here. I don't see him. Basically, he had -- his daughter took the SAT and PSATs and when she did, she accidentally, you have to fill in the bubbles and she actually spelled her name wrong, by accident; it's not a good sign on an SAT. But it actually proved to -- to show something. It showed how far her information was

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sold. It was for -- she started receiving credit cards, magazines, all kinds of other information. And all he want -- all -- all that my constituent requested was that we protect those that are 17 and 18 year -- year-olds on a test that they're required to take that their private information is protected.

I was contacted by one of -- by UConn, and they were worried that they wouldn't be able to access this information if we passed this law. And that's not the intention. The intention wasn't for colleges. It was for sale on -- on everything else. A -- a 17-year-old shouldn't be getting credit cards, 18 shouldn't. In fact, I don't know if you went to -- when I went to college, I know they stuffed the applications in my -- my bag when I was walking out with my books.

But, you know, student debt is one thing, but if you're coming out of college with credit card debt, that's another. But that's not the point here. The point here is just protecting the information that they were -- you know, they're required to take the tests, protect their information from being sold to -- to companies that they shouldn't be selling them to. And I think that's my point. So, that's a -- and that's for S.B. 2 -- I don't have my glasses, 85. Thank you.

REP. LINEHAN (103RD): Thank you.

SENATOR CHAMPAGNE (35TH): Thank you.

REP. LINEHAN (103RD): Any questions?
Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes. I'm wondering -- good morning.

SENATOR CHAMPAGNE (35TH): Good afternoon.

REP. WILSON PHEANIOUS (53RD): Good afternoon. I'm wondering whether the bill can be recast to exclude the problems that were raised by the gentleman from UConn, and when he was talking about being able to use that same information in order to be able to appropriately --

SENATOR CHAMPAGNE (35TH): Yeah. I think we can --

REP. WILSON PHEANIOUS (53RD): -- [Crosstalk].

SENATOR CHAMPAGNE (35TH): -- tweak it. I think we can tweak it. That -- that's not a problem, at least not on my part, that, you know, that it wouldn't exclude the colleges.

REP. WILSON PHEANIOUS (53RD): Because I do understand your point about the credit cards or who knows what -- however, else or whether we can separate that in some way and form that bill so that it would protect what we're trying to --

SENATOR CHAMPAGNE (35TH): Right.

REP. WILSON PHEANIOUS (53RD): -- protect against and -- and without hurting the colleges' ability to recruit and to disseminate information.

SENATOR CHAMPAGNE (35TH): Yeah. It wasn't the intention of the bill to actually, you know, keep the information from colleges. I -- obviously, it's an SAT. But I think it -- it -- it's important to protect it in other ways, because, you know, if -- if you know the information is coming from an SAT, I mean for identify theft purposes, that's a pretty good target.

REP. WILSON PHEANIOUS (53RD): Yeah.

SENATOR CHAMPAGNE (35TH): Well.

REP. WILSON PHEANIOUS (53RD): Well, it -- it seems as though, perhaps we could look at the language and try to tweak it in such a way that it doesn't hurt the -- the --

SENATOR CHAMPAGNE (35TH): Yeah, I think -- I would -- I think I would just exclude colleges on it. If we could add that, that would be great.

REP. WILSON PHEANIOUS (53RD): Thank you.

SENATOR CHAMPAGNE (35TH): Thank you guys so much. Have a good day.

REP. LINEHAN (103RD): The Committee calls Sean Cripe, please. If you could press that button until your mic turns red. There you go.

SEAN CRIPE: Hello and thanks for having me. My name is Sean Cripe, and my wife and I -- Heidi and I have come from South Carolina to support these kids and their bill 5141 against energy drinks. As Heidi mentioned, we lost our precious son three years ago. He was also my best friend. The Lord has shown me that he has him, but that sure doesn't make it any easier to be here without him.

In my time, I'd like to refute a few of the arguments that you're going to hear from these lobbyists today. First, there should be no comparison between coffee and energy drinks. I'm tired of hearing that line. All energy drinks have additional herbal stimulants in them that are not present in coffee. These two drinks are just not comparable. It's the stimulants that are causing the problems.

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Secondly, these guys are going to say that their drinks have been deemed safe by the FDA -- FDA and the European Authority. Let's be clear, these drinks have not undergone any largescale testing. They're able to say they're safe because their ingredients are generally regarded as safe. That's grass in the FDA world. When they are used individually and in limited doses -- when those ingredients are used individually and in limited doses, they are generally regarded as safe. They are not required to be tested when they are combined. They are taking high levels of caffeine and combing additional stimulants without knowing how they interact. That's where all the problems are coming from. These drinks are so dangerous that they can't conduct largescale testing. Can you imagine taking 4000 14-year-olds and ask them to drink an energy drink or two and let's see what happens? It's ridiculous. Doesn't that say something to you? The lobbyists will also say that their energy drinks make up such a small part of the market. Think about that for a second? They represent such a small part of the market if they are causing all of these deaths and emergency room visits; the young lady mentioned 21,000 visits. That's in one year. That's in one year. And just in case you're wondering, teenagers spent \$16 billion dollars on these drinks in 2016. So, it doesn't sound so small now, does it?

I'm sure you'll also hear how they've been operating safely for X amount of years and X amount of countries. I challenge you ask them what their definition of safe is and which countries they are counting? Do you think they have been operating safely in the U.S.? If they are safe, then why have

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there been dozens of deaths and tens of thousands of emergency room visits? If they are safe, why are countries like Canada, Australia, and the UK consider banning them from minors? And several smaller countries already have banned them.

How can they say they are safe when nine other states have tried to pass legislation regulating these drinks, and there's currently two other bills, one in Indiana, and none more part of in South Carolina? How can they say -- say they are safe, when every organization that cares about our kids is against these drinks, including the American Academy of Pediatrics, the American Medical Association, the American College of Sports Medicine, the Dietary Guidelines Advisory Council, the U.S. Anti-Doping Agency, the National Federation of State High School Associations, and the World Health Organization. And don't forget, the manufacturers, themselves, admit that they should not be consumed by children. I would just like to leave you with this, at the hearing in South Carolina last spring, Mr. Red Bull was nice enough to say that legislation would not bring my son back. Unfortunately, he's right, the legislation will save a lot of parents from having to deal with this again.

In 2009, there was a young man in a high school marching band in Gilbert, South Carolina who lost his life to an energy drink. His family tried to get legislation passed then, back in 2009. If they had been successful, maybe all of these lives would have been (crying) saved, including Keith who just lost his life last month and is posted in our group.

You are in a position to do something, because people are still dying. We just need one state that

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cares about our children to step up, and the rest will follow. I'm begging you pass this legislation. Thank you.

REP. LINEHAN (103RD): Thank you very much for your testimony. Again, (crying) I am so sorry for your family's loss. We have heard a lot of testimony that comes from the heart, obviously with something like this that happens and I'm particularly sensitive to that. Anyone who has been on my Committee for a few years knows that.

However, you did bring up something very interesting. You said let me tell you what the lobbyists are going to say. I'd like to share with you something that a lobbyist said to me or rather I'm sorry, it wasn't a lobbyist it was a convenience store owner. We have, here -- on the Committee, we've all been receiving emails from convenience store owners who say that it's -- it's going to be difficult for them and it's going to put a dent in their business. It's a form letter and we've all been getting the same thing, one particular email was written -- it gave the form letter, but before that, someone added in all caps, THIS WILL HURT MY BUSINESS.

So, I'd like to give you an opportunity to say to that person who may be here today to testify, who may be watching on CTN, or who may read about this in the newspaper, what's -- what do you think, sir, is more important? The lives of children or the \$2 dollar -- the \$2 dollars that they may get from an energy drink from that person?

SEAN CRIPE: Yeah, I'd like to say a couple things. For one, it is ridiculous that people consider money over the lives of our kids. It is absolutely

ridiculous that we have a product on the shelf that took my son's life and over dozens of other lives. I mean how is that possible?

Number two, for people that say, it will hurt their business, I -- I don't believe that. These kids are not going to stop drinking. They're just going to go back to soda, which was regulated. Soda is regulated. Energy drinks are not regulated. So, we've taken what the FDA did in the '70s, they regulated caffeine because they knew it was dangerous with taking kids away from soda and have given 'em something that is completely unregulated.

And I don't think it's going to hurt their business one bit. These kids are going to go back to drink Pepsi, Mountain Dew, maybe healthier alternatives, but it's not going to hurt their business. And I don't think it's hard to implement. They're already carding people for tobacco and alcohol. It's as simple as looking at their ID one more time.

REP. LINEHAN (103RD): I agree with you. And just for the record, I did reply to that convenience store owner and I specifically asked what percentage of their business can they attribute to children under 16 years old and those who are purchasing energy drinks? And I have yet to receive a reply. Thank you very much for your testimony. Are there any questions from the Committee?

SEAN CRIPE: I'd just like to add you -- you asked Heidi about being 18, and -- and we -- we do support that 18. That's our bill in South Carolina. But I would add that, if your committee is not onboard with that, don't miss the chance to pass the bill at 16. Because the education that will take place

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between a 12, 13, 14, and 15-year-old realizing that it is off limits will still save lives.

REP. LINEHAN (103RD): Agreed 100 percent. Thank you. Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): This question may be more appropriate for someone else, but I just wondered if you know, if -- when energy drinks are manufactured, do -- are they labelled in some way as such -- such that a store owner could look at it and very easily see that it was a drink that had, you know, substantial levels of caffeine?

SEAN CRIPE: I -- well, I'm glad you asked because there's not any one set -- set of regulations they have to follow. Some energy drinks are labelled as foods. Some are labelled as -- or classified as dietary supplements. Some do disclose caffeine content. Some will just display herbal stimulants or herbal blend, but they don't say what it is. I believe that several of the major manufacturers have started at least labelling the total caffeine content. But this -- it's not gone far enough. There's no required --

REP. WILSON PHEANIOUS (53RD): So, --

SEAN CRIPE: There is -- it's the wild west out there.

REP. WILSON PHEANIOUS (53RD): Well, that's what I guess, I'm -- I'm raising. I wonder if the -- if the bill could be amended in some [laughter] way to begin to address that issue or whether something else needs to, because it seems as though there are a large number of these drinks that you might not know exactly what they are or what you're getting.

SEAN CRIPE: Yeah, I completely agree.

REP. WILSON PHEANIOUS (53RD): And it would be just equally as dangerous. Thank you.

REP. LINEHAN (103RD): That is something that we could look at in that, whoever the regulating body would be, and I believe it's not the Department of Public Health. I think it's Consumer Protection could keep a list of those drinks and -- and we'll look into that. And we appreciate the input from both of you. Are there any other questions? Hearing none, thank you again. I am so sorry for your loss --

SEAN CRIPE: Thank you [inaudible 4:06:45].

REP. LINEHAN (103RD): But I am so happy that you came here today to share your story. You have made a difference. Thank you. Dr. Richard Adamson, please.

DR. RICHARD ADAMSON: Good afternoon. I am Dr. Richard Adamson. I'm President of TPN Associates. Chairman Moore and Linehan, and members of the Committee, I am a toxicologist. I am a pharmacologist. And I also have a degree in chemistry. I'm not a lobbyist. I'm a scientist. And I'm here today to talk science. I am here on behalf of the American Beverage Association to speak in opposition to Bill 5141.

There's a lot of misinformation on the internet and printed media, and on the TV about energy drinks, about the safety, and their ingredients. And I'm glad to see the children here today and I hope they continue to do research.

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Like all food and beverages, energy drinks and their ingredients are regulated by the U.S. Food and Drug Administration. And the Food and Drug Administration has ample authority to recall any brand and any energy drink or any ingredient in the energy drinks.

Energy drinks have been in the marketplace and sold for over three decades. Caffeine is well studied, widely used, and safely consumed by millions of people every day. Most energy drinks contain about half, volume by volume the same amount of caffeine as a coffeehouse coffee. Furthermore, the vast majority of energy drinks consumed in the United States have similar or lower caffeine than home-brewed coffee.

Children and adolescents do not have unique effects from caffeine. Caffeine is a dose response and is not based on age. It's based on weight. The description in your bill 5141, defines an energy drink as containing not less than 80 milligrams of caffeine per 9 fluid ounces. An additional ingredients including methoxatin, B vitamins, herbal ingredients, or on an ingredient label that is an energy blend. This description fits a cup of coffee. Coffee is a methoxatin. It is one 37-trimethoxatin. Coffee contains B-vitamins. It contains B1, B2, B3, and B5. In fact, if you had a regular cup of coffee today in your house, you consumed the RDA of about 11 to 13 percent of your - - of your required daily amount of vitamin B2.

The coffee plant is an herb. In fact, it's the most widely consumed herb that there is.

REP. LINEHAN (103RD): If you could --

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DR. RICHARD ADAMSON: And oh --

REP. LINEHAN (103RD): If you could just please summarize, because the bell has gone off. Thank you.

DR. RICHARD ADAMSON: Yes, I'll be glad to. But I'll be also glad to answer any question concerning any of the ingredients, and they are in the written testimony. There is no energy drink available in any classroom in the United States, K12 -- K through 12, they do not sell energy drinks or members do not sell them in schools. If you're consuming an energy drink in school, you bought it outside of school. Anyone can go in and buy a coffeehouse coffee regardless of age and the caffeine will be more than what is in an energy -- energy drink, volume by volume.

REP. LINEHAN (103RD): Thank you very much. I do have some questions for you, actually. You had said that you particularly are -- are mentioning a coffeehouse coffee?

DR. RICHARD ADAMSON: I am talking about coffeehouse coffees --

REP. LINEHAN (103RD): Right.

DR. RICHARD ADAMSON: -- containing more than an energy drink, volume for volume.

REP. LINEHAN (103RD): I understand that, sir. And I have a question. So, I'm --

DR. RICHARD ADAMSON: Okay.

REP. LINEHAN (103RD): -- just trying to lead into the question.

DR. RICHARD ADAMSON: Okay.

REP. LINEHAN (103RD): So, you're talking about coffeehouse coffees, now but then you also had said that a coffee that you would brew at your house has -- has things like B vitamins and such. Here's my question for you.

DR. RICHARD ADAMSON: Absolutely.

REP. LINEHAN (103RD): Does coffee naturally contain those vitamins being that it comes from the plant?

DR. RICHARD ADAMSON: Yes. It --

REP. LINEHAN (103RD): Okay.

DR. RICHARD ADAMSON: -- naturally --

REP. LINEHAN (103RD): So, --

DR. RICHARD ADAMSON: -- contains.

REP. LINEHAN (103RD): But if it comes from the plant, that is one thing. But what we are talking about here, is the addition of these other vitamins. What we have heard consistently and time and again, is that caffeine, alone, is one issue. But caffeine, in addition to other ingredients that are also stimulants, is the bigger problem. So, to the best of your knowledge, if I went to Starbucks today, and I bought myself a Grande Americana, does it have additional stimulants in it, sir, besides the coffee naturally found in caffeine and the B vitamins and other things that you mentioned that are naturally contained in caffeine -- in coffee?

DR. RICHARD ADAMSON: No, neither does --

REP. LINEHAN (103RD): Right.

DR. RICHARD ADAMSON: -- an energy drink.

REP. LINEHAN (103RD): So, --

DR. RICHARD ADAMSON: Neither does an energy drink.

REP. LINEHAN (103RD): so why would an energy drink then, need to list those ingredients separately and a coffee beverage, if I was just to get a coffee beverage not just brewed from a coffeehouse but maybe from a vending machine that comes -- it's an iced coffee in the twist off, those aren't -- they don't list out those additional ingredients. It is my understanding that the reason why those ingredients are listed on there, it's not because it's naturally contained within the coffee beverage itself, but -- but because it is added additionally to those beverages. Is that not the case?

DR. RICHARD ADAMSON: If you make any beverage at all and add something, you have to list the ingredient.

REP. LINEHAN (103RD): Correct.

DR. RICHARD ADAMSON: And the most --

REP. LINEHAN (103RD): So, it --

DR. RICHARD ADAMSON: -- the most --

REP. LINEHAN (103RD): -- so it -- do you did agree that it is added? Those --

DR. RICHARD ADAMSON: Yes.

REP. LINEHAN (103RD): -- things are added and that they are also stimulants. Is that --

DR. RICHARD ADAMSON: No.

REP. LINEHAN (103RD): -- correct?

DR. RICHARD ADAMSON: They are not stimulants.
The -- Senator --

REP. LINEHAN (103RD): So, the energy --

DR. RICHARD ADAMSON: -- Linehan --

REP. LINEHAN (103RD): -- blend is not -- not an --
an added stimulant?

DR. RICHARD ADAMSON: It --

REP. LINEHAN (103RD): What would it -- what would
energy be? I mean, when I read something is -- is
for energy, that to me, says it stimulants me. It's
an stimulant.

DR. RICHARD ADAMSON: It is caffeine. Caffeine is
the stimulant in energy drink. All the rest of what
was said is incorrect. There's no additional
stimulant beside caffeine in energy drink, and more
importantly -- more importantly, when you look at a
can of energy drink, you will see exactly how much
caffeine. In fact, the question came up from over
here, you will see exactly how much caffeine is in
that energy drink. Unlike, when you purchase
coffee, I don't care whether it's in a coffeehouse
or in the restaurant here, you do not know how much
caffeine is in that energy -- in that coffee. Only
in an energy drink is it listed, and generally it is
around 10 mg per -- per ounce.

REP. LINEHAN (103RD): Okay. Can I ask a question
for -- for the scientist in you?

DR. RICHARD ADAMSON: Yes.

REP. LINEHAN (103RD): Guarana, is guarana simply
another name for caffeine?

DR. RICHARD ADAMSON: No. Guarana --

REP. LINEHAN (103RD): What is guarana?

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DR. RICHARD ADAMSON: Thank you for that question. And if you look at my written testimony you'll see an answer to all the ingredients. Guarana is a plant grown in South America and has seeds. Guarana also has caffeine in it and it is added not because of the caffeine. It is added because it gives flavor to -- to the --

REP. LINEHAN (103RD): Gives it --

DR. RICHARD ADAMSON: -- energy drink.

REP. LINEHAN (103RD): -- flavor? Okay.

DR. RICHARD ADAMSON: It is a flavor.

REP. LINEHAN (103RD): So, the caffeine -- then if -- if you're adding guorena -- guarana to the energy drink for flavor, is the caffeine naturally found in guarana removed before it's added to the energy drink?

DR. RICHARD ADAMSON: Generally, most of it is removed, but the total amount of caffeine in any energy drink is listed, whether it's -- whether it's from caffeine added or from the guarana. Generally, the guarana is there only to add flavor. Yes, it is --

REP. LINEHAN (103RD): Does your testimony --

DR. RICHARD ADAMSON: -- removed.

REP. LINEHAN (103RD): Does your testimony provide data that shows that the energy drink companies will remove the caffeine in guarana before it is added, because this says right here, guarana is a dietary supplement or herb. It's a seed and it's an effective stimulant. It contains about twice the concentration of caffeine found in coffee seeds.

About two to four and a half percent of caffeine in guarana seeds compared to one to two percent for coffee seeds. The addictive has gained notoriety for being used in energy drinks. Do you have anything that shows that in these energy drinks that either lists guarana or lists a proprietary blend of energy ingredients, that the caffeine is indeed removed during some sort of manufacturing process before it's added to the drink?

DR. RICHARD ADAMSON: It is because they have the list the total amount of caffeine in an energy drink. The vast majority of energy drinks do that. There may be some outliers, there may be some outliers like one called cocaine or other --

REP. LINEHAN (103RD): Right. So, what do we do about those outliers? Are we supposed to then require ID for certain beverages that -- that one would sit and believe may be an outlier, but not in others? Or would it be safer for us to require identification for children under 16 to purchase any such drink that is listed as an energy drink?

DR. RICHARD ADAMSON: No, because -- because the vast majority of energy drinks do list 'em. And you can certainly require legislation that makes sure that any -- any energy drink lists the total amount of caffeine. That would be helpful rather than trying to restrict somebody by age.

REP. LINEHAN (103RD): Understandable. And you -- in the beginning of your testimony, you had stated that you are not a lobbyist. Is that correct?

DR. RICHARD ADAMSON: That is correct.

REP. LINEHAN (103RD): But you're here on behalf of the American Beverage Association?

DR. RICHARD ADAMSON: The reason I'm --

REP. LINEHAN (103RD): Are the American --

DR. RICHARD ADAMSON: -- here --

REP. LINEHAN (103RD): -- Beverage Association, sir,
is that a registered lobbyist in this building?

DR. RICHARD ADAMSON: I am not a registered
lobbyist. I'm not --

REP. LINEHAN (103RD): But --

DR. RICHARD ADAMSON: -- here to lobby.

REP. LINEHAN (103RD): Does the American Beverage
Association employ registered lobbyists to come
and -- and work in this building?

DR. RICHARD ADAMSON: I don't know if they require
or have any that are registered in this building,
but there probably is. The reason I'm -- the reason
I am here on behalf of the American Beverage
Association is because I spent 30 years at the
National Institutes of Health. I published more
than 250 papers. Then, I was the chief scientist at
the American Beverage Association. I retired from
there. But I still talk about beverages, because I
was responsible for ensuring that the ingredients in
beverages are safe and I was there --

REP. LINEHAN (103RD): Are you --

DR. RICHARD ADAMSON: -- when --

REP. LINEHAN (103RD): -- are you --

DR. RICHARD ADAMSON: -- energy drinks --

REP. LINEHAN (103RD): -- are you currently --

DR. RICHARD ADAMSON: -- was first put out.

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REP. LINEHAN (103RD): Are you volunteering your time to be here today or are you being paid by the American Beverage Association?

DR. RICHARD ADAMSON: I am a consultant to them on any beverage.

REP. LINEHAN (103RD): All right. Thank you very much. Are there any other questions from the Committee? Representative Wilson Pheanious.

REP. WILSON PHEANIOUS (53RD): Yes, I'm wondering if perhaps you can clarify something for me. I'm a fairly avid coffee drinker. I drink -- I know it's a bad habit [laughter] I drink a lot of coffee. I had an occasion several months ago of feeling and not have -- never having really tried an energy drink before, thinking I need a little pick me up, if you don't have time for coffee, this is supposed to be just as safe as coffee, only maybe it's like drinking one or two coffees at the same time. I consumed the energy drink and I promptly begin to have [laughter] symptoms of something, I'm not -- not sure what. I started to get hot. My heart started feeling like it was beating faster. It scared me to death. From your testimony, it would suggest to me, that if I had simply had two cups or three cups of homebrewed coffee, I might have the same kind of an effect. I'm -- I'm just -- I'm just curious as to what --

DR. RICHARD ADAMSON: It depends. The one thing you can do, is take a look at the amount of caffeine that is in a can or how much -- it all depends on what size you bought. But the amount of caffeine in an energy drink is generally about the same amount that your homebrew coffee has.

REP. WILSON PHEANIOUS (53RD): But --

DR. RICHARD ADAMSON: But with regards to a coffeehouse coffee, it has about half.

REP. WILSON PHEANIOUS (53RD): Well, this wasn't a coffeehouse. I mean I didn't --

DR. RICHARD ADAMSON: So, it's about your homebrew?

REP. WILSON PHEANIOUS (53RD): [cross talk] --

DR. RICHARD ADAMSON: If you would have drank --

REP. WILSON PHEANIOUS (53RD): -- [cross talk].

DR. RICHARD ADAMSON: -- if you would have had a -- a brew, it also depends when you brew your own coffee how many scoops you put in that coffee. But generally, across the United States, the amount of caffeine in your homebrewed coffee is about the same or maybe even a little less than in an energy drink, pounce per ounce or cup per cup. So, I would suggest is, you pour the energy drink into a -- a cup that you normally consume your coffee from.

REP. WILSON PHEANIOUS (53RD): [laughter] It was a relatively small energy drink size. I've never had reaction like that from coffee --

DR. RICHARD ADAMSON: Well, then --

REP. WILSON PHEANIOUS (53RD): -- and I --

DR. RICHARD ADAMSON: -- you probably drank -- you can drink too much coffee. You can --

REP. WILSON PHEANIOUS (53RD): Yeah.

DR. RICHARD ADAMSON: -- drink too -- yes, caffeine is known as a stimulant. And the question came, are there other stimulants in energy drinks?

REP. WILSON PHEANIOUS (53RD): Yes.

DR. RICHARD ADAMSON: The answer Representative -- Chair Linehan, there are not -- there are not other energy drink components in an energy drink. It is caffeine.

REP. WILSON PHEANIOUS (53RD): Then I would ask you, sir, if I -- if I may, do you have an explanation for these deaths and emergency room visits that are being alleged to have been caused by peoples' consumption of the energy drinks? I mean --

DR. RICHARD ADAMSON: But --

REP. WILSON PHEANIOUS (53RD): Just --

DR. RICHARD ADAMSON: First of all, let me thank you for that question. It's a good question. First of all, with regards to the amount of people coming into an emergency room, I need to tell you three things. First, about a majority of the ones, and this is both adolescents and adults, the majority of those have also added alcohol or an illicit drug to their energy drink.

Secondly, the same amount of people come to an emergency room for infant feeders that they've given their infants too much of a food or secondly for laxatives or thirdly for vitamins. People go through and are -- people go to emergency rooms for almost any reason that has nothing to do with others. And a lot of the -- a lot -- the -- the -- all the energy drinks say, and you'll never find this on a cup of coffee or in a coffeehouse, if you're sensitive caffeine, don't drink coffee. Whereas, on an energy drink, it'll say if you're sensitive to an energy drink or if you're pregnant,

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do not drink it, or if you're a child, do not drink it. It says on there, voluntarily.

No coffeehouse will say, oh, you're only 10 years old, you can't buy a cup of coffee, oh, you're only 16 years old, you're 14 years old, you can't buy a cup of coffee. Of course not, they don't do that. The energy drinks go beyond any beverage marketed by saying the total amount of caffeine in this energy drink.

REP. WILSON PHEANIOUS (53RD): I'm -- I am still puzzled as to how we could be seeing children and grown people die from the consumption of these products. You're either suggesting that -- I mean I know I'm not mixing my coffee with alcohol [laughter] and illicit drugs --

DR. RICHARD ADAMSON: Sure.

REP. WILSON PHEANIOUS (53RD): -- and I -- I'm -- I'm -- and -- I'm -- but my experience with -- with -- that singular experience, I'll admit, but it was a frightening one.

DR. RICHARD ADAMSON: I don't want to get into individual cases, but several of those cases, they had a -- they either had a Mountain Dew, they had a couple cups of coffee, they had a Starbucks, and then they consumed energy drinks. They consumed too much caffeine. You can consume -- consume too much caffeine. The usual dose for an adult, safe consumption, is about 400 mg a day.

And if you're drinking coffee all day, you -- you don't know how much milligrams -- how many milligrams of caffeine you've consumed. If you drink energy drinks, you can see on the can how much is total in that can and you can tell how much you

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should be drinking and how much you should not be drinking.

REP. WILSON PHEANIOUS (53RD): My concern is that, particularly children or young people may not be sufficiently diligent that they're going to read a label, ascertain that they've had x number of grams of caffeine and so they perhaps shouldn't partake of this.

DR. RICHARD ADAMSON: I think -- I think children should be subject to the wishes of their parents. They should not, if the parents don't want, consume coffee. They should not go to Starbucks. They should not go to Dunkin Donuts.

REP. WILSON PHEANIOUS (53RD): It would be --

DR. RICHARD ADAMSON: And they --

REP. WILSON PHEANIOUS (53RD): -- nice if --

DR. RICHARD ADAMSON: -- should not consume an energy drink.

REP. WILSON PHEANIOUS (53RD): It would be nice if parents had that level of control of children outside of their homes, but they often don't. I suspect that they go to the local store. They go to the local corner store. They pick a shiny colored can that says it's going to do something great for them and they drink it --

DR. RICHARD ADAMSON: Or --

REP. WILSON PHEANIOUS (53RD): -- to their detriment.

DR. RICHARD ADAMSON: Or they go to Starbucks or Dunkin Donuts. Have --

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REP. WILSON PHEANIOUS (53RD): I haven't seen --

DR. RICHARD ADAMSON: -- you ever gone --

REP. WILSON PHEANIOUS (53RD): -- many --

DR. RICHARD ADAMSON: -- there or seen --

REP. WILSON PHEANIOUS (53RD): -- many 12, 15 --

DR. RICHARD ADAMSON: -- but --

REP. WILSON PHEANIOUS (53RD): -- year-olds in --
myself in -- in Starbucks drinking -- drinking
coffee but I have seen them at the drugstore with a
shiny can label looking attractive and drinking an
energy drink maybe because it's cooler than a cup of
coffee.

DR. RICHARD ADAMSON: My -- my -- well, yes that --

REP. WILSON PHEANIOUS (53RD): Or -- or --

DR. RICHARD ADAMSON: -- that's one reason, because
it's cold but in the --

REP. WILSON PHEANIOUS (53RD): No, I mean [laughter]

--

DR. RICHARD ADAMSON: -- summertime --

REP. WILSON PHEANIOUS (53RD): [laughter]. I meant
people think it's cool to --

DR. RICHARD ADAMSON: Oh.

REP. WILSON PHEANIOUS (53RD): -- drink them.
[laughter].

DR. RICHARD ADAMSON: But in the summertime, I can
tell you, when I go into get a cold -- an ice brew.
I'm -- it's always lined up with teenagers. So,
the -- the fact is the energy drinks are no more and

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no less dangerous because of the caffeine than is coffee. And it is simply is not age, it's weight that regulates it, you need 400 mg for -- for pregnant women -- woman 200 mg. That is actually labelled -- labelled on a caffeine energy drink. It is not labelled on any Starbucks coffee or any other coffee. And most of the people in this room don't know that the -- the majority -- that caffeine is not the -- the majority chemical in coffee. It is chlorogenic acid. It is Quinic acid. It's melanoidins, that's what gives it the black, has various peptides, and its various other things. You don't know what you're putting in your body. You look an energy drink and everything is declared on the label of the energy drink.

REP. WILSON PHEANIOUS (53RD): Just because it's declared, doesn't mean that it's doesn't have a negative impact. We may have to agree to disagree on this.

DR. RICHARD ADAMSON: But read my written testimony. In fact, one of the other ingredients that's talked about a lot is taurine. Taurine is so safe, that it's actually added to infant formula for the infant. Please read my testimony.

REP. WILSON PHEANIOUS (53RD): I will certainly do that.

DR. RICHARD ADAMSON: Thank you very much --

REP. WILSON PHEANIOUS (53RD): Thank you.

DR. RICHARD ADAMSON: -- for the time. And I'll be glad to answer any other questions.

REP. LINEHAN (103RD): Thank you. Representative uh Dr. Anwar.

SENATOR ANWAR (3RD): Thank you so much, Madam Chair. I'll -- I'll share with you a story and -- and it's a sad story. A few years ago one of my patients died. And this was in an intensive care unit. This was a -- a young gentleman who was very much into exercising, bodybuilding and was taking a lot of protein supplements; nothing illegal, but a lot of supplements and a lot of energy drinks. And -- and he basically came in with cardiac arrhythmia. And -- and he was resuscitated, but he was without blood flow to the brain and he was braindead. We took whatever care we could but we had lost him, because he was without blood flow to the brain.

We -- we -- we tried to identify the cause of this, and there was no illicit drugs in his system. The only thing that we could find out ultimately, and that's how we understood this was, that the stimulants caused arrhythmia in his heart. And -- and that arrhythmia lead to his death. And ever since that time, I actually feel that this is one more additional thing on top of a lot of other stimulations that are happening, whether it's physical exercise stimulation or whether it is stimulation with respect to the caffeine and the content of the caffeine or the total content of the caffeine that an individual may have. And -- and if they have any predisposition to rhythm changes in the heart, this is dangerous zone, in many respects.

So, I'm just giving you my perspective. I'm not asking you a question. But I'm telling you the -- the reality is, that, when we are looking at a policy on a broader scale, we have to look at some of the other experiences individuals are having. And -- and, we also -- as of right now, do not

recognize the causation of Attention Deficit Disorders that we are seeing in our communities and -- and that is actually skyrocketing. Again, nobody knows the answer, but what is being proposed is that our children are actually getting stimulated by some of these things and -- but also with the energy drinks that actually causing some of the ones who are predisposed towards rapid change in focus that happens is resulting in some of these aspects.

So, it's -- it's -- I understand where you're coming from and I respect where you're coming from. But I'm seeing the impact in the society because of, not only the products that you are supporting and in sharing that information about but also the other stimulations and other things that are happening in the lives of individuals and their predispositions and sometimes which is leading to manifestations of illnesses which are quite concerning.

DR. RICHARD ADAMSON: Well, in reply to that, I would say that the -- if it was stimulation from the caffeine, it could have also occurred from drinking a coffee as well. There's certainly limits -- there -- there's certainly limits. That's why one thing that the energy drink companies do, is put the total amount of caffeine that's there.

Everyone should know that the US FDA says 400 mg and 300 mg -- 200 mg for a pregnant woman. And so, you can actually -- and I know several neurologists that actually drink energy drink. You know why? Because they titrate how much caffeine they take every day. They do not over drink coffee.

SENATOR ANWAR (3RD): I understand and I think it's -- it's not entirely safe for everybody. The resting heart rate for the children is different

than for adults and adults with illnesses have a different resting heart rate. The stimulants increase the heart rate and if the resting heart rate is very high to begin with in younger individuals, that is their physiology. The risk of arrhythmias changes as well, especially if they have an indifference in their electrolyte balance at times with between exercise and -- and athletic activities.

Some of the sports result in -- in, obviously, excessive sweating and -- and you would agree that this -- these caffeinated products, no matter who makes it and -- and who consumes it, they do not cause hydration, they actually cause dehydration. So, when you have children who are active in athletic activities and exercising and -- and or -- or muscle building work, they actually get dehydrated, their electrolytes are low, and then they take a stimulant, and it's a recipe for disaster for some of those situations.

DR. RICHARD ADAMSON: They should not be drinking energy drink or coffee at that time; a sports drink. And there was a mix up here saying that energy drinks are for sports. They are not electrolytes. And I'm sure you'll agree, electrolytes are what replaces depleted electrolytes when you sweat.

SENATOR ANWAR (3RD): But -- but wouldn't it be fair, and not necessarily the -- the companies or people you represent, but there are individuals who represent energy drinks who actually show in their marketing, that people are very active and they're very athletic, and they're having an energy drink, and they're running. And that actually gives a false impression to young minds that this is

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associated with increased athletic capacity and exercise capacity, and then -- and puts them at a risk for believing wrongfully that this is a hydration and a -- and a stimulant which is going to make them be better at sports. And then, subsequently, while they're in the midst of those sports, they end up consuming and -- and something that is the last thing that they should have at that time. And -- and we see some negative outcomes and then -- and those negative outcomes are reality. I mean [cross talk] --

DR. RICHARD ADAMSON: I -- I -- I -- I am a scientist and I agree they should be taking an electrolyte drink.

SENATOR ANWAR (3RD): Good. Hey, at least we agree on certain things. Thank you so much for your testimony. Thank you, Madam Chair.

REP. LINEHAN (103RD): Thank you very much, Doctor, Senator. I appreciate you. I just have a few final questions. There -- you may not know this about me, but I'm a competitive athlete, and I can't tell you how many times energy drinks are marketed to me and others in my sport as -- as a way to be better at our sport.

As a matter of fact, I have been to competitions where the sponsors have been energy drinks. So, -- and if you walk into my gym where I train, the first thing you see is an entire refrigerator filled with energy drinks, sports, power, and all kinds of things. They are marketed as such. And we understand that children are being bombarded with these marketing images. And there is no way for a child under the age of 16 to be able to weed that

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out, the way an adult may be able to and I will tell you that it's very difficult as an adult.

But here is my question -- my final question for you -- we are the Committee on Children. We are tasked with writing legislation to help children. So, my question for you is, when we pass this bill, who would it hurt?

DR. RICHARD ADAMSON: The -- the answer is, I think parents should responsibly teach their children what to consume and what not to consume --

REP. LINEHAN (103RD): Right. And that's what this bill does.

DR. RICHARD ADAMSON: -- as they go --

REP. LINEHAN (103RD): It actually --

DR. RICHARD ADAMSON: -- as they --

REP. LINEHAN (103RD): -- makes sure that the parents know that a child under the age of 16 is purchasing and consuming these drinks. It doesn't stop them from consuming those drinks. But again, I ask the question, who does this bill hurt?

DR. RICHARD ADAMSON: It doesn't hurt me, but I think that parents should be able to inform their children responsibly so they can make choices as they go on to become adults.

REP. LINEHAN (103RD): And don't you think that -- that requiring someone under the age of 16 to show an ID or have their parent buy it for them, accomplishes that goal that you just stated?

DR. RICHARD ADAMSON: I -- I don't agree with it. I wouldn't -- when I was 14 years old, I drank a lot of coffee. I come from a Danish --

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REP. LINEHAN (103RD): We're not --

DR. RICHARD ADAMSON: -- background.

REP. LINEHAN (103RD): -- about coffee, sir. We're talking specifically about energy drinks that are outlined in this bill. My question for you is, by passing this legislation and requiring an ID for children under 16, or the -- have the parent purchase it for the child's consumption themselves, doesn't that go to the very goal that you just said, that you would like parents to be able to make that decision and be educated on these items? Wouldn't that contribute to that goal?

DR. RICHARD ADAMSON: I think we ought to educate the children.

REP. LINEHAN (103RD): And -- and how, sir, would we do that? Wouldn't it be beneficial to require -- and this is going to be -- I -- I don't know how many times I can ask it, are you saying then, that you don't believe it's beneficial to have a parent help make that decision for that child and a parent know what goes into that child's body, considering that doctors are -- are concerned about the consumption.

The American Academy of Pediatrics says that they should not be consumed by a child ever. That we know that are media blitzes on these children regarding these energy drinks. As a matter of fact, we were at a birthday party that was at a -- an arcade, not even a month ago, where the arcade game inside the game, Red Bull, was all over it. So, we know that these kids are being bombarded with it. We also know that children under the age of 16 are not able to make these decisions, because they don't

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have all the information, and that they're brains may not be able to affectively take all that information in and spit out good practices for themselves and -- and the safety of others; we know this based on many things that teenagers often do. So, therefore, wouldn't it be beneficial for the parents to be aware of what is going into the child's body and that can be accomplished by asking for ID requiring it for children under 16 years old or only having the parent buy that drink for that child?

DR. RICHARD ADAMSON: I would not vote for that bill.

REP. LINEHAN (103RD): You still didn't answer the question. Thank you, sir, very much. Are there any other questions from the Committee? Nope? Thank you. Ashley Marquez, followed by Jim Williams, please. Hi, thank you for coming today.

ASHLEY DAVILA-MARQUEZ: Hi. Sorry, I'm nervous.

REP. LINEHAN (103RD): Don't be. We're good.

ASHLEY DAVILA-MARQUEZ: Okay. [Laughter] Good afternoon, Senator Moore, Representative Linehan, Representative Green, and all other distinguished members of the Committee on Children. My name is Ashley Davila-Marquez, pronouns she/her/hers. I am currently pursuing a Master's Degree in Social Work from the University of Connecticut with a concentration in Public Policy. I am submitting this testimony in support of H.B. 5331, AN ACT REQUIRING A SURVEY OF COURT-INVOLVED YOUTHS.

As part of my Master's Program, I spend nine months in the field with an agency. I am fortunate to be placed at the Office of the Child Advocate. During

my time at the OCA, I have spent a great deal of my time reviewing information specific to youth who are incarcerated in our state. Aspects of this in-depth review have required me to learn a great deal about the youth's history growing up and try to gain some understanding about their trajectory.

In the U.S. it is estimated that nearly three out of four incarcerated youth suffer from mental health or substance abuse issues: 93 percent of incarcerated youth report exposure to trauma and other adverse childhood events in their lives. Youth who are incarcerated, have substantially higher rates of emotional, cognitive, and intellectual disorders than youth in the general population. Many also have co-occurring substance abuse disorders and many require special education support. Many of the youth come from poor neighborhoods.

According, to the Office of Juvenile Justice and Delinquency Prevention, available research has estimated that the -- that the LGBTQ population represent 13 percent to 15 percent of incarcerated youth. Adolescence comes with heavy burdens already, puberty, identity, social and emotional development, and other tremendous transitions. This developmental period is further challenged by growing up in tough communities that can make it extremely difficult when gender and sexual orientation comes into play. LGBTQ+ youth exist in the juvenile justice and delinquency system, and they face serious mental health and safety issues when in custody.

The U.S Constitution extends the rights to all incarcerated youth; under the 14th Amendment,

juvenile facilities are required to provide all youth in custody with reasonable conditions of confinement and freedom from being unreasonably restrained, protect their right to be free from abuse, and receive adequate healthcare and fair nondiscriminatory treatment; healthcare that is unique to that youth.

As a research student I value the importance of data; data is a window to the needs of a community and provides insight to fallbacks. I strongly believe that if a survey was in place, it would help to better and more fully coordinate the needs and supports of the LGBTQ+ population and ultimately provide better services. Without data and research, we cannot develop adequate policies. And without policies, we are unprepared to provide safe and professional care to the population of -- to this population of youth.

This bill is a small step to inclusivity and innovation to the juvenile justice system. And I hope all distinguished members recognize, in this opportunity, for youth to share through a survey, their needs. I thank you for your time and welcome any questions you may have.

REP. LINEHAN (103RD): Thank you so much for your testimony. I really do appreciate that this bill actually came to us last minute, but when we read it, it just made sense for us that here, at the Committee on Children, and we have passed several pieces of legislation that would benefit the LGBTQ community, especially for those in DCF care. So, -- so, we believe that this is the next step. And I very much appreciate you coming and giving your

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perspective. That was really great testimony, so thank you.

ASHLEY DAVILA-MARQUEZ: Thank you so much.

REP. LINEHAN (103RD): Are there any questions from members of the Committee? Hearing none, you're all set. Thank you very much.

ASHLEY DAVILA-MARQUEZ: Thank you everyone.

REP. LINEHAN (103RD): Jim Williams please, followed by Shannon King.

JIM WILLIAMS: Good afternoon. I'm Jim Williams, the Government Relations Director for the American Heart Association. I just wanted to thank you for the opportunity to speak on behalf of two particular bills today. The first one is H.B. 5334, AN ACT CONCERNING ONLINE SALE AND DELIVERY OF ENDS AND VAPOR PRODUCTS.

The Connecticut legislation has recently shown great leadership in its fight to protect youth from tobacco addiction and related diseases by passing tobacco 21. And this session looks to once again fund tobacco control efforts, and to prohibit the sale of flavors in all tobacco products. This bill simply attempts to better regulate online sales of tobacco products to persons under the age of 21 and is deserving of your support.

The second bill that I just wanted to speak briefly about is S.B. 288, AN ACT REQUIRING A STUDY OF THE USDA'S PROPOSED RULE CONCERNING THE NATIONAL SCHOOL LUNCH AND BREAKFAST PROGRAM. We also support this bill.

And I would just like you to know that the American Heart Association could be an asset to this proposed task force, and would like make itself available in any capacity that -- that you would like.

REP. LINEHAN (103RD): Thank you very much for your brief, yet effective testimony. I appreciate that and I appreciate you wanting to lend yourself to the task force. We see that school lunches, we made great strides in school lunches and how healthy they are, and now the current administration is talking about rolling that back. We want to ensure that we keep our kids as healthy as possible. So, thank you very much. I appreciate that. Are there any questions from the Committee? Hearing none --

JIM WILLIAMS: Thank you.

REP. LINEHAN (103RD): -- thank you so much. Shannon King, please, followed by Stacy Schleif. Hello.

SHANNON KING: Hi, good afternoon. My name is Shannon King, and I'm here with the Connecticut Business & Industry Association. And I am here to support S.B. 282, AN ACT ESTABLISHING A TAX CREDIT FOR EMPLOYERS THAT MAKE PAYMENTS TOWARDS CHILD CARE COSTS OF EMPLOYEES. So, this bill will incentivize employers to make payments to or on behalf of their employees' childcare costs by offering an annual state tax credit.

So, as everyone on the Committee knows, childcare costs in Connecticut are among the highest in the nation. And for employees with families, it can be one of the largest living expenses. So, finding and retaining workers continues to be one the largest

challenges that our members, small, medium, and large continue to struggle with.

So, with employers understanding the impact of increasing childcare costs and what impact that has on their employees and their families, this tax credit will give employers the flexibility to ease that burden off of their employees by investing in their employees.

So, as the next generation of workers begin to start their own families, an employer taking advantage of the tax credit will be just another tool to not only recruit new workers, but retain employees in the state of Connecticut to be able to offer this benefit as a part of their overall employee benefit package.

So, we look forward to collaborating with the Committee on this legislation. And I'm open to any questions.

REP. LINEHAN (103RD): Thank you so much. Just a few questions, do other states do this? Oh, sorry, [cross talk].

REP. LINEHAN (103RD): Okay. Do you have those? She said that -- that was her question.

SHANNON KING: Oh, okay. [laughter]

REP. LINEHAN (103RD): So, do other states do this that you know of?

SHANNON KING: That's a good question. I don't believe so.

REP. LINEHAN (103RD): And so we would be trailblazers. Okay. And who do you think this would benefit more, I -- I mean -- I don't know if

you have this information, but to me it sounds like it would be a small business that would benefit more, because something like my husband's company that employs thousands of people and has onsite childcare, probably wouldn't do that because they offer other things. But maybe a small mom and pop shop, who happens to, you know, have really good quality people taken away from them by the bigger guys because they can't offer things of benefits. Do you agree that that might be who this would really work out for?

SHANNON KING: Yes, I would agree with that. This would be a great benefit for small employers to offer to their employees to retain them at that business and keep that talent there.

REP. LINEHAN (103RD): Excellent. Thank you so much. Are there any questions from the Committee? Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you, Shannon, right?

SHANNON KING: Yes.

REP. KOKORUDA (101ST): Shannon, thank you so much. Obviously, I like this bill, too. You know, one of the things I loved about your testimony is too often up here, when we start to discuss things that we need to do for -- in our business community, there's an underlaying, I'm trying to think, implication that our -- we have to do these things because our small businesses don't take care of their employees. I hear it again and again in testimony. And -- and if we don't protect the workers, the businesses owners would never do it.

And you know what, when I talk to business owners, the most important thing and they know it, the most

important thing they rest their success on is that they can keep good employees, and they want to do everything possible to make sure their employees stay and are part of their -- their -- of their -- an opportunity to grow the business to be part of it. And those bother me, when we discuss so many bills up here, that you'll hear these testimonies and we have to do this legislation to protect the workers from these really -- really, you know, small businesses that really only are worried about the bottom-line.

What you said today, is exactly what most small businesses tell me. And I think they know this is an incentive to them, it's not a guarantee. But I think an incentive for them not to get a tax credit and an incentive to them to have something to offer a good employee that they want to help -- they want to help and they also want them to part of their success. So, Shannon thank you.

SHANNON KING: Yeah, I would --

REP. KOKORUDA (101ST): [cross talk] on that at all.

SHANNON KING: Thank you and I would 100 percent agree with you on that.

REP. LINEHAN (103RD): Thank you, Representative. Are there any other questions? Oh, my gosh, Representative Comey. Wow, sorry. It's been a long day and I haven't really eaten.

REP. COMEY (102ND): Thank you, Chairwoman. Thank you, Shannon. The -- I -- I guess -- I mean I'm fully in support of this bill. But I'm curious as to how many companies -- what kinds of assistance do companies currently assist -- you know, assist their employees with -- in this -- in this regard now?

Do -- have you heard stories about how companies are assisting their employees at this point or would this be something new? I mean I -- I know the tax credit would be, you know, the incentive would be different. But I'm wondering if this is already happening and we would just be rewarding the good behavior as -- as Representative Kokoruda said.

SHANNON KING: My question -- just to clarify, are you talking about childcare and childcare costs or other benefits that employers are offering?

REP. COMEY (102ND): Childcare and childcare costs. Thank you.

SHANNON KING: Childcare, so some businesses certainly have larger businesses that have the resources, have their own childcare centers so that is offered to employees. But for smaller businesses, you know, there is not that option, so this is an opportunity to incentivize them to chip in a little bit to ease just a little bit of that burden because I know childcare costs are incredibly expensive. So, just to be able to take that edge off so employees can, you know, use that money for other things and to invest in that employee for them to stay.

REP. COMEY (102ND): Yeah. I think it's a competitive offering that they can offer their -- their -- their employees, too. So, okay, well great. Thank you.

SHANNON KING: Absolutely.

REP. LINEHAN (103RD): Any other questions? Nope. Thank you so very much.

SHANNON KING: Thank you.

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REP. LINEHAN (103RD): Stacy Schleif followed by Diane Cassidy, please. Hi, Stacy.

ATTORNEY STACY SCHLEIF: Hi. Good afternoon, distinguished members of the Committee. My name is Stacy Schleif. I'm an attorney at the Center for Children's Advocacy. We represent poor children in Connecticut's communities. I'm here today in support of Raised Bill 283, AN ACT EXTENDING FOR LEGAL REPRESENTATION TO OLDER FOSTER YOUTH.

As the law exists now, Connecticut youth in DCF care lose their attorneys the day they turn 18. In 2008, federal law gave states the option to extend foster care until 21, in some cases to 23. The majority of the states, including Connecticut, have since done so. However, while many of those states have also extended their legal representation including Massachusetts, New York, California, Pennsylvania, Connecticut has not done. These are attorneys who are needed to give the youth a voice not only in court, but at school meetings, help with navigating various systems, filling out paperwork, and most importantly in advocating for their rights with DCF.

A 19-year-old youth that I represent, voiced his need for an attorney then. He said, I just need an adult to talk to another adult for me. In that case, it was with -- it was his DCF worker that he was having trouble communicating with.

At any given time, it could be a teacher, the director of a group home, a Judge, a probation officer, a guidance counselor, an insurance company, or a landlord that he or she needs help communicating with, advocating with, and negotiating with. These are kids without parents to rely on, who have grown up in the -- in the system,

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experienced trauma after trauma, and just need the extra support.

An 18-year-old youth called us last week, seeking assistance. She had been in and out of DCF care since age 2. Shortly before turning 18, she was placed in a group home, which ended up being involved with -- in a trafficking ring. DCF then moved her to Solnit. And she and her hospital case worker called us looking for advocacy in helping to figuring out a discharge plan; she was ready to discharge and DCF had yet to find a placement for her.

A few weeks prior to that, a 20-year-old called. She was looking for help navigating an administrative hearing with DCF, who was prematurely looking to discharge. That girl had been with the Department since she was 13.

Prior to that, it was an 18-year-old, calling us from juvenile detention. He had received a DCF discharge notice just days after his birthday.

A 19-year-old called looking for advocacy assistance when DCF threatened to discharge her after a rough academic semester in college.

A homeless 18-year-old called, looking for assistance with re-entry into DCF, and with help getting resituated in school.

These are just a handful of youth who have been resourceful enough to reach out for assistance. There are many, however, who go without. Those are the youth that we'll never hear from, those without the resources to pick up the phone and have a phone call looking for help, or to come down to the LOB to

have their voices heard. A few of them have submitted testimony.

While OCPD may prioritize, enhancing legal representation for the under-18 youth at this point in time, we see the transition-age youth in foster care as the most -- more -- more vulnerable population. They are currently without any legal representation, facing adult-sized problems on their own. We believe that our state can create a comprehensive foster care system valuable to all of our youth and an investment now in them, is an investment, obviously, in our future.

So, thank you for your consideration.

REP. LINEHAN (103RD): Thank you very much for your testimony. Thank you for bringing this issue to our attention.

ATTORNEY STACY SCHLEIF: Thank you.

REP. LINEHAN (103RD): So, we heard from States Attorney, who they say it's very expensive and they also said that, they're doing work with DCF for these transition services and many times starting even before the age of 17.

But when I hear your testimony, it seems as though the transition services still need a lot more help. So, we can -- the question to me is, are -- these aren't -- I mean these aren't separate issues. These are -- the transition services need to be better, and then there are still kids who need help after --

ATTORNEY STACY SCHLEIF: Uh-huh.

REP. LINEHAN (103RD): -- right? And so, is there a way for you all to work together to make that happen?

ATTORNEY STACY SCHLEIFF: We do work together as best we can. The services are there. There -- DCF has extensive policy about what these youth are entitled to, assuming they qualify. It's really the accessing the services where an attorney is needed to know what -- what is -- what is out there to be accessed. We -- we read the policy all the time. We know what's there and we're not afraid to pick up the phone and call a social worker and say, I have this youth, they're entitled to this. What can we do to make that happen? They're not -- they're not policies that the youth would really have any way of knowing about, otherwise.

I -- I think the social workers are, for the most part aware of them but, you know, for whatever reason not -- not maliciously but for whatever reason, it just gets lost in translation, I guess, for lack of a better description. They're not giving the youth a whole booklet of here's all your choices, what -- you know, what can we do for you? So, it just takes consistency and just a lot of following up to access them.

REP. LINEHAN (103RD): And it just seems to me, part of my concern is -- is that this legislation, not that it doesn't have its merit, because it does, but it seems as though it's just putting a small Band-Aid on a larger wound.

ATTORNEY STACY SCHLEIF: I believe the -- the system we have now, which is we do have an arrangement with OCPD with the Public Defender's Office to provide -- you know, to get referrals from youth who are

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looking to be discharged and then, we try the best we can to work with pro bono attorneys to represent 'em. That to me is the Band-Aid that has been put on. It's become pretty painfully obvious in doing that for the last year, year and a half, that had these kids had attorneys systematically since they were 18, they would have that person to just call to for -- listen, I'm not getting this service. Can you help me arrange a meeting? Can you access it for me? It would be much more systematic than it is now, which is basically relying on the youth to be the one to reach out and look for, you know, see if we have availability to help them.

REP. LINEHAN (103RD): You know, we've had a couple people testifying to this. And I -- I almost wish that we had had you before we had the Commissioner, because it just opened up more questions for me. But I will be reaching out to the Commissioner and asking those questions, and then sharing some answers with you. And see if there's some way that we can bridge that disconnect. But I -- I thank you very much for your testimony. Are there any questions? Yes, Representative Hayes.

REP. HAYES (51ST): Thank you, Madam Chair. Is -- is everybody that's providing these services an attorney?

ATTORNEY STACY SCHLEIF: Which services?

REP. HAYES (51ST): Well, I -- I mean, some of the things you have described, like bringing somebody up here to testify, reaching out to set up a meeting -- is everybody that's doing that, are they attorney providing these services?

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ATTORNEY STACY SCHLEIF: Well, right now it consists of myself. It -- it consists of a youth reaching out to our office, which is a non-profit, saying I'm not getting such and such service. I'm having this issue. I'm still with DCF. Is there anything you can do to help? And then, my response is, let me see who I can talk to. Really all it takes is a phone call to a social worker, to say, let's set up a meeting and lay out exactly where the disconnect has happened. It doesn't need to be an attorney. We're -- we're the ones that know the policy and we, for lack of a better word, social workers will tend to listen when they hear from an attorney or the Department will, in general. So, it comes with a little bit more clout, definitely more clout than if a youth was trying to do it on their own. So, it's not -- I mean, the same goes for educational meetings, working with insurance companies, just kind of helps to have those initials after your name when you're making the phone. But no, it's not what we learn in law school, I wouldn't say.

REP. HAYES (51ST): Okay. And -- and how are the services billed out? Are they billed out hourly?

ATTORNEY STACY SCHLEIF: The attorney services?

REP. HAYES (51ST): Yeah.

ATTORNEY STACY SCHLEIF: Well, right now there are none. So, I don't know how our organization gets its money really, but I don't bill -- we don't bill at all. For attorneys that represent the youth under 18 who are in DCF, they just get a flat rate of \$500 dollars. Our proposal would be to have the same for the over-18 youth, whether it's \$500 dollars, whether it's less -- you know, whether it's a different rate. But that seems to be the way

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Connecticut has approached it, just with a flat fee at the moment.

REP. HAYES (51ST): Yeah. And I heard testimony this morning, that it was like a flat fee of \$500 dollars and that went through the life of the case. Is that what you're -- you're seeing happening --

ATTORNEY STACY SCHLEIF: Yeah.

REP. HAYES (51ST): -- if this were to go over 18?

ATTORNEY STACY SCHLEIF: I guess, the hope would be that they'd be the same attorney that the youth had had under 18 would be reappointed once they turn 18. And it sounds like the fairest way would be then to offer another flat fee, whatever that -- whatever that rate is.

REP. HAYES (51ST): Okay. Thank you. Thank you Madam Chair.

ATTORNEY STACY SCHLEIF: Just quickly in -- in regards to working with the Commissioner and the Department, they have been very open, it's taken some time, but they've been very open to having their youth adolescent workers to training them to tell youth who are being discharged to call us for help, essentially to provide representation for them against the Department in the hearing. But it's -- at that point, what I found is it is often times too late and a lot of it could have been avoided had the child had ongoing representation, so.

REP. LINEHAN (103RD): Great.

ATTORNEY STACY SCHLEIF: Okay.

REP. LINEHAN (103RD): Thank you very much.

Attorney STACY SCHLEIF: Thank you.

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REP. LINEHAN (103RD): I appreciate your time.
Diane Cassidy, please, followed by Jonathan Shaer.
Hello.

DIANE CASSIDY: Madame Chair, Committee, thank you.
I'm here in favor of bill 284, the ACT CONCERNING
THE DEPARTMENT OF CHILDREN AND FAMILIES
TRANSPORTATION SERVICES. My company has provided
special education transportation to Boards of
Education and DCF for 26 years. We are a highly
specialized industry that's pretty much universally
understood by most people. We are serving some of
the state's most vulnerable citizens. We -- we are
their first contact in the morning, taking them to
school. We are there when they get out of school in
the afternoon, we bring them home. It's a pretty
important job.

In 2014, DCF decided to set their own rates for
transportation. Initially, these rates were very
low, but with the help of some of the members of
legislature, they were adjusted to a reasonable
level. And so, although our costs have increased
over the years, that rate did not change until 2019.
And then it went down, way down to less than half of
what it was. That is what they are operating on
now. This is why we are asking your help again.

Early in 2019, DCF had asked for proposals for a
School of Origin Transportation program, basically
wanted transportation brokers who were able to
combine the runs more efficiently and save money,
which I endorse. It's a good practice. They should
be doing it. Lots of experienced transportation
companies bid for the job. My company was one of
'em. I partnered with three other companies. I put
in the bid. We gave 'em a great deal. We did not

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win it. The program was awarded to Advanced Behavioral Health. It's puzzling why a mental health agency would be made the transportation broker.

In May, 2019, when he was introduced to the transportation companies, the President of ABH, tells us he understood our industry because he had driven a truck delivering boxes during one summer in college. A bit insulting [laughter] to say the least.

The new rate initiated by ABH for DCF transportation is a fraction of the old one, and it is not clear how this rate is actually calculated. A formula was given to us by DCF, but it rarely seems to match up with the actual trip. The rate is so low that it does not even meet the expenses of the transportation, consequently many companies are floundering. If they complain, they are told if they don't like the rates, DCF will just get new companies.! Is this how the State does business?

They are filling up their lines of credit. Most of these companies are getting very close to going out of business. I have filled up my lines of credit. I have started to pull on my investments to meet my cash flow. Companies cannot operate like this. Companies, like workers, need to make a living wage. We are getting squeezed financially on both ends. Our costs go up as our income goes down. The hours and days in a year we can operate are limited by school schedules.

In 2019, the state raised the minimum wage, which will -- which will continue to rise over the next four years. The frequency of the required background checks for every driver that transports DCF children doubled to annually and increased 50

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percent from \$50 dollars to \$75 dollars each. When you've got 50 -- you know, 60, 70 drivers a year, as we do, that we have to do background checks on, total hip arthroplasty.

Several smaller companies have already gone out of business, and most of these were women and minority-owned businesses. The very people the state says it is trying to help. And these companies also employed many people.

REP. LINEHAN (103RD): Ma'am, unfortunately, I -- I -- we're runny way over time, so just after you -- you don't have to stop, just summarize really quickly so that we can start asking questions.

DIANE CASSIDY: What I'm asking for is an immediate or as soon as possible return to the old rates so the companies are making enough money to pay their workers, do the required maintenance on their vehicles. I'm afraid some of 'em are letting it slip and it's not safe, you know, with these vehicles. And also and audit of DCF to see where the transportation funds -- or how much of the transportation funds are going to ABH to administer this program.

REP. LINEHAN (103RD): Thank you very much. Are there any questions from the Committee? Senator Moore.

SENATOR MOORE (22ND): Oh, thank you for your testimony. So, I think we are going to ask for an audit to the -- public auditors to find out how that money is being spent. But I had a question about the process to become your business, is just that one RFP or is it online all the time when you can apply?

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DIANE CASSIDY: I -- I'm sorry, I didn't --

SENATOR MOORE (22ND): So, you have a business --

DIANE CASSIDY: Uh-huh.

SENATOR MOORE (22ND): -- right? There's an RFP that comes out, a request for proposals --

DIANE CASSIDY: Uh-huh.

SENATOR MOORE (22ND): -- and you apply for it?

DIANE CASSIDY: Yeah.

SENATOR MOORE (22ND): Is that a one-time deal or is that continual?

DIANE CASSIDY: It's continual. I'm always bidding, you know, when I can find them for work [inaudible 5:07:02]. DCF, this was the first time they've ever had the RFP. Generally the social workers would just contact us. We had to be credentialed to work for DCF. You have to meet all the standards, which are standards we need to meet with the DMV anyway, that is our regulating agency. But DCF had previously had ABH, you know double checking the credentials, the insurance, you know, to make sure our drivers were licensed properly and all of that to make sure we met the standards. And now, they've taken over the --

SENATOR MOORE (22ND): Well, I only ask that because I -- you -- you said, they said, well, we'll just hire new people. I -- I thought it was a -- a process of an RFP, not just going online and be -- and put in an application. It wouldn't really be that simple just to get new people to replace you especially at --

DIANE CASSIDY: No.

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SENATOR MOORE (22ND): -- a lower rate.

DIANE CASSIDY: Well, no [laughter]. No, it's not. But we're not exactly sure how they're getting new companies, you know, they -- they do -- we're not sure where they come from. I'm -- I'm hearing from -- well, it was our trainer from [inaudible 5:08:18], she was telling us that they're seeing an awful lot of companies that -- in unmarked vehicle dropping the kids off. They're not completely legal. We have a lot of standards we have to meet as far as signage on our vehicles --

SENATOR MOORE (22ND): So, are you the -- are --

DIANE CASSIDY: -- [cross talk].

SENATOR MOORE (22ND): -- is yours, like the one that says, carrying school children across [Crosstalk]?

DIANE CASSIDY: Absolutely. Yes, we are.

SENATOR MOORE (22ND): Okay.

DIANE CASSIDY: Yes, we are.

SENATOR MOORE (22ND): Okay.

DIANE CASSIDY: We have cars and vans, we're not school buses.

SENATOR MOORE (22ND): Okay. So, I think that's what we're going to do. We're going to ask the public auditor to do an audit, so we can find out the real answer. But I also suggest that I -- I think I suggested this to a young lady that was here earlier that you do a Freedom of Information to get some of that information in the meantime.

DIANE CASSIDY: Uh-huh.

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SENATOR MOORE (22ND): All right. Thank your testimony.

DIANE CASSIDY: Thank you.

SENATOR MOORE (22ND): Oh, I'm sorry.

REP. LINEHAN (103RD): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. Thank you for your testimony. Both -- now, two of you have spoken on this, and I had no idea of this problem until this bill was proposed. Do you also -- have you also, in the past, had problems with being paid on time?

DIANE CASSIDY: Absolutely. It -- it's pretty consistent, though when I read the state's statutes, it says that, you know, we should be paid in 30 days. DCF consistently claims they have 45, but they rarely make that. There have been times, for my company, where there were at least \$300,000 dollars behind in payments.

And it's amazing to me, this was about two years, they came out to my company to do a site visit, three ladies from DCF, and while they were there, I took the opportunity to mention to the one that her office alone, was \$150,000 dollars behind in payments to me. One of the other ladies, the one with the clipboard, flipped through her papers and says, but we paid you this enormous amount of money, she quoted, last year. [laughter] I said, but you still owe me this money before I die.

So, you know, it's -- it's a theme. They consistently -- you know, our -- our transportation is expensive. It's an expensive business to run. Our profit margin is narrow, but they look at the

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raw numbers and seem to think -- as a matter of fact, when they came out and I won't mention the lady's name from DCF, when she came out in 2014 to inform me, and she did this with every company that I've talked to, that they were setting their own rates. She actually stuck her finger in my chest and said, you're all crooks, all you transportation companies. You're becoming millionaires off the backs of DCF. And I guarantee you, I am not a millionaire. I drive a 2009 Honda [laughter], you know what I mean. I'm not -- I'm not wealthy. But --

REP. KOKORUDA (101ST): Well, you know -- you know, thank you. I have a grandson who's now 18 and he's not -- actually, I think it's his last year being on a bus, but he was, you know, special needs and had the van -- van pick him up. And as a second -- second call after his mother, I was on speed dial with the bus company. So, I know, and I'll tell through all the different stages, he was 3 when he started -- different stages, what that bus company had to do to accommodate him, to make sure he got to school safely and got home. They really -- we became almost partners with 'em, working to make it work for him, as he went through. And I don't know what the state thinks would happen -- DCF thinks would happen how -- with how these children would get to school or where or back home if they didn't have a bus company doing a good job. And we -- we take it for granted but thank you. Thank you.

DIANE CASSIDY: We put a lot of pride in it.

REP. KOKORUDA (101ST): You can tell you're dedicated for sure. How -- how many years you been in the business?

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DIANE CASSIDY: Twenty-six.

REP. KOKORUDA (101ST): Twenty-seven. Thank you.

DIANE CASSIDY: Thank you.

REP. LINEHAN (103RD): Thank you very much. Any further questions? Hearing none, thank you. Jonathan Shaer, followed by Ashley Gibso, please. Hello and welcome.

JONATHAN SHAER: Thank you very much. Good afternoon, Madam Chair, Madam Chair, Madam Vice-Chair, members of the Committee, thank you for sticking around this afternoon. I appreciate it. I'm John Shaer, I'm the Executive Director of the New England Convenience Store & Energy Marketers Association. We represent single site convenience stores, chain convenience stores in Connecticut and throughout New England. I'm here to talk to you about H.B. 5141, but through the lens of a retailer, which is not something that's come up today, yet, not surprisingly, and really just the practical challenges with the particular bill for a retailer.

So, the -- the bill reads, whose age is in question. And -- and that's a toughy, because it's so subjective; right? So, if you're standing about -- imagine you're standing behind the counter, someone looks 20 -- someone looks 16, someone doesn't, someone looks 17, it's -- my daughter is 15-years-old, one of her best friends, he is 6'3", he must be 220 pounds, he's enormous. He does not look 15. So, and I'm sure everybody in the room has an example just like Rhodes, that's his name. So, in this example, a retailer has to make a determination, does he ask this person for an I.D.? He does not ask this person for an I.D.? If he does

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and the person doesn't have an I.D. but is 16, he risks upsetting this particular customer who is trying to purchase a legal product legally for him or her, and that introduces a set of challenges. If the person is 16 but does not have an I.D., that in -- that adds another set of challenges.

So, just the -- the -- the nature of how the bill is drafted and need that particular age, it's -- it puts a retailer in a position to -- to lose. Now, if the retailer does make the sale and the person, because the person doesn't appear to be 16, like my daughter's friend, Rhodes, and in fact, he isn't 16 or -- is -- is 15 or -- or younger, he is now fined. This retailer is now fined. So, it's a -- it's a tough one because we risk either upsetting our customers. And then, today in social media, you know, in these younger people, I'm not one of these people, but it proliferates. There's a multiplier effect of upsetting. It's so hard to be in retail these days. You have to do everything just right and when you don't -- when you -- when you don't do something just right, the whole world knows about it. So, again, I'm just trying to express to you the challenges from a retailer who it will be on us on the 1700 convenience stores in the state in -- in -- in large part to -- to really administer this particular bill, should it become a law.

Along those same lines, the 80 milligrams per 9 ounces. So, I'm not an energy drinker. I -- I don't really look at 9 ounces. I actually have a hard time telling -- you know, telling you what a -- a half-gallon is in terms to all that. So, I'm -- I'm the worst person for it.

But I do know, because I went to a store, not every one of these products is sold in 9 ounces. So, some retailers have these very expensive integrated POS systems, point of sales systems. With those systems, you can actually scan on the back of it, and it will prompt for an I.D. and -- and you can do that. So, there is that capability. But a lot of stores don't have that. A lot don't have that. I'll wrap up. And so, for those ones, they're forced now to do some math. And -- and, again, now they run into the same problem. Am I legal? Am I illegal? And so, again, I understand the good intent of the bill, I truly do, as do my members.

I -- I just want to express to you the operational challenges with respect to this. And I might add, and this is the last thing I'll say, perhaps there's another way to -- to address the same thing that you're all trying to get to, which is to protect children in general. Again, I'm not a scientist, so I don't know. I don't want to get into whether or not this particular part needs protecting from, but we'd be happy to talk with this Committee and others about a public awareness campaign in our stores. Thank you very much. I'm happy to [cross talk].

REP. LINEHAN (103RD): I really appreciate that. I appreciate your testimony. I'm going to take you up on that public awareness campaign, but I'm still not going to drop the bill.

MR. SHAER: I understand.

REP. LINEHAN (103RD): [Laughter] But I -- I wanted -- you gave some really good points. And so, you're right, there -- there are some challenges when we're talking about IDing kids. And so,

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supermarkets have come up with a really great way to do. There is -- they ID everybody, number one. There are some places that say, if you look under 26, we're going to ID you.

And I think that as long as it's consistent, I think that -- those challenges could be overcome. I do hear that you have some concern about the -- the retailer being able to figure out exactly what an energy drink is. I believe that we, as a Committee, can address that as well by -- by having the Department of Health in consultation with the Department of Consumer Protection create that list. And so, maybe that's a way to do that. I really do not see these as challenges that we can't overcome. But what's going to be really important is that you're at the table with us to do that, because all day long, we could sit here and try to decide what's easy for retailers, but until we have retailers at the table, we can't do that.

So, I -- I very much look forward to sitting down with you, and I do hope you have time for me, and hopefully my co-chair by next week. This is something that's coming up. And we want to get this done. And we want to get this bill out of the Committee in a way that protects children and allows retailers to do their job to protect children as we write the law.

So, -- and I really am going to take you up on that awareness campaign. It sounds like maybe it's something we can build into this bill now, so thank you very much; yet another reason to pass it.

I do want to point out, though, however, that the bill does say that the first offense is a warning. And the second offense would then a fine of \$200

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dollars if it occurs during the 24-month period following a first offense, and fined not more than \$350 dollars for each subsequent offense. We wrote these little bit more lax than -- than other things and because we recognize there are challenges. But this is going to require a partnership with retailers.

And -- and I know what you mean about social media. I am an elected official. Social media is not always my friend. I can tell you that, in my community alone, for what I -- the District I represent, these is over 75,000 people in collective Facebook groups just for my District in Cheshire, Southington, and Wallingford. I know what it's like. But I will also tell you this, I am convinced that asking someone under the age of 18 for ID because you need to -- you can't sell it to anyone under 16 is not really going to stop a great amount of your business. People recognize that you have to show ID for many different things, whether it be alcohol, cigarettes, vaping products, or now, energy drinks.

Can you -- do you have numbers to tell me the percentage, on average, of a business that is the under -- where your customers are under the age of 16?

JONATHAN SHAER: I -- I can't imagine that that data would be readily available.

REP. LINEHAN (103RD): I also can't imagine that's a whole lot; right?

JONATHAN SHAER: Under 16 -- for -- for these products or in general?

REP. LINEHAN (103RD): In general.

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JONATHAN SHAER: I think the -- I think -- well, what's a lot; right? So, what's that percentage? I don't know, so I don't want to --

REP. LINEHAN (103RD): Right. Right.

JONATHAN SHAER: -- give any unknown. I think it's probably a significant number, but it's -- it's probably not anywhere near half.

REP. LINEHAN (103RD): Right. And so, that significant number then decreases when we talk about of those kids that are under 16, how many are buying the energy drinks; right? So, then, we're -- we're really getting down to smaller numbers. So, then you have to look at those numbers and then figure out, how many of them would be really offended if you ask for ID. And then of those that are really offended, how many are actually never going to come back to the store, because they're offended that they asked for ID for a beverage that is now, by law, you have to ask for the ID. So, that trickle down, I can't imagine would actually result in any convenience store losing business in such a way that would really affect the bottom line.

JONATHAN SHAER: Right.

REP. LINEHAN (103RD): And additionally, we're also not outlawing the consumption. If a parent thinks that it's something appropriate for their child, they can still purchase that for their child. So, then we further decrease the number of -- of people who would not be spending money at these stores.

So, I appreciate that you're not coming in here screaming this is going to kill our business, because we all know it's not. So, I do appreciate that greatly. But I also appreciate your

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willingness to work with -- with us on this and we need to be able to find a way to protect kids and make it easy for the retail establishments to do that. And I very much look forward to that conversation. And when you're done with your testimony here, I'd like to exchange cards so that we can do that sooner rather than later.

JONATHAN SHAER: When we exchange cards, will I get a pen and a hug, too?

REP. LINEHAN (103RD): [Laughter] Not a hug. [Laughter] Listen, we're -- you know, we could talk about that. This Committee doesn't shy away from those hard things. But yes, you may have a pen because I'm very happy that you're here today. Are there any questions from our Committee? Oh, that's right. I'm going to have to see an ID. No [laughter] --

JONATHAN SHAER: I actually have it.

REP. LINEHAN (103RD): Representative Kokoruda did you --

JONATHAN SHAER: And I can prove ---

REP. LINEHAN (103RD): -- have a question?

JONATHAN SHAER: -- my age.

REP. LINEHAN (103RD): Did you have a question? Are there any questions from the Committee members? Hearing none, thank you very much.

JONATHAN SHAER: [Inaudible 5:22:36].

REP. LINEHAN (103RD): And if you would just give me one second. For Ashley Gibso, please, followed by Mr. John Flanders.

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ASHLEY GIBSON: Good afternoon, distinguished members of the Committee. I'm Ashley Gibson with the College Board and I appreciate the opportunity to testify on Raised Bill 285. The College Board is opposed to bill 285. In my written testimony, I've laid out our concerns in greater detail, but I'll use my time here today to highlight some key points. This legislation would place a barrier between students and our student search service.

Search puts students on the radar of colleges and scholarship providers who would otherwise no see them. Search connects students with more than \$300 million dollars in scholarships. Our Search tool influences students' college trajectory. Compared to identical students who do not participate in Search, participants are 12 percent more likely to enroll in a four-year college and many colleges rely on Search to achieve their goal of recruiting a diverse and dynamic student body.

Students must opt into Search and may opt out at any time. organizations who license with us for Search have highly restricted access to student information and must adhere to strict guidelines. Higher education partners and scholarship organizations who utilize search must only use student data for educational purposes. It cannot be shared with third parties except for relevant contractors such as a mail service provider. And it must be destroyed once the agreement expires.

In summary, Search is a crucial equity tool for students. The College Board understands the state's commitment to protecting student privacy. We hope the state understands the College Board's commitment to connecting students to higher education and the

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impact of these requirements on those students we aim to help, and our steadfast commitment to protecting students' personal information. I'm happy to answer any questions.

REP. LINEHAN (103RD): Thank you very much. I appreciate your time and your testimony. Are there any questions from the committee? Yes, Representative Turco.

REP. TURCO (27TH): Thank you, Madam Chair. I'm sorry I cannot your -- your written testimony here. I'm looking through. Can you remind me of your name again?

ASHLEY GIBSON: Ashley Gibson, with the -- with the College Board.

REP. TURCO (27TH): College Board? Oh.

ASHLEY GIBSON: And I have an extra copy --

REP. TURCO (27TH): Thank you.

ASHLEY GIBSON: -- if you need one.

REP. TURCO (27TH): It's probably in this -- this big stack.

ASHLEY GIBSON: Sure.

REP. TURCO (27TH): I just --

ASHLEY GIBSON: Yeah.

REP. TURCO (27TH): -- can find it.

ASHLEY GIBSON: Yeah.

REP. TURCO (27TH): Thank you, Ashley.

ASHLEY GIBSON: Yeah.

REP. TURCO (27TH): So, you stated that a student, when they're -- when they're taking their SAT, ACT, PSAT, they could opt in or they have -- they opt in and they could opt out. How -- how does that work?

ASHLEY GIBSON: Yeah. So, how it works in the state of Connecticut, specifically, the -- the juniors in the state take the SAT for high school accountability assessment. There is no preservice survey that's given at that time. So, I'm talking, specifically, here when a student is taking the PSAT which a local district chooses to provide to their students or they take the SAT on a Saturday. They can choose to opt in to have their information shared with higher ed organizations or not-for-profit scholarship organizations that license with us to get information to provide students with information about higher ed opportunities or scholarship opportunities they might not otherwise know about.

But let's say Ashley Gibson does that, right, my parents don't like it, or I just decide, right, higher ed is not for me or I'm not interested in scholarships, I can always go in and opt myself out. So, there is no concrete decision that's ever in place for that. There is multiple mechanisms for a student to have control over that.

REP. TURCO (27TH): So, what is it, a checkbox or something that --

ASHLEY GIBSON: Yeah. There's --

REP. TURCO (27TH): -- the student --

ASHLEY GIBSON: -- a checkbox --

REP. TURCO (27TH): -- clicks?

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ASHLEY GIBSON: -- and a disclaimer that is part of the assessment.

REP. TURCO (27TH): Say I -- I'm -- I'm okay with my information being sent out to college -- colleges or scholarship programs that I want to get information about?

ASHLEY GIBSON: Yep. That's -- that's accurate, Representative.

REP. TURCO (27TH): And -- and based on what you said in your testimony, if a student does not have that opportunity to opt in and receive this information, then they may miss out on receiving important scholarship opportunities they could be eligible for and information from different colleges around Connecticut or the country that may be interested in them as a student, they won't receive that information, might not know what they're eligible for. Is -- is that correct?

ASHLEY GIBSON: Yes, that's correct. And so, as you can imagine, we find this tool be most valuable to students that come from unrepresented communities; right? People who might not have access to the culture of higher education, who might have not access to certain information, who might come from smaller schools that don't have as many resources. This is something that school counselors would then potentially have to take on. Students might be missed. So, this is just another -- this is another avenue to insure that we are leveling the playing field for students to be able to have access and equity. Yeah.

REP. TURCO (27TH): And if you don't mind, Madam Chair, but -- I'm guessing the proponent of -- of

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this bill, and I have not talked to the individual who came up with the concept for this bill, they're trying to protect student privacy.

ASHLEY GIBSON: Uh-huh.

REP. TURCO (27TH): Is there certain sensitive information besides the student's score and some interests and different things they may want to be involved in, clubs, sports, things like that, is there other sensitive information that we should be wary of -- that could get -- could get out there somehow?

ASHLEY GIBSON: No, not to my knowledge; right? And I will be very candid that I am not someone that works in this world day to day internally at the College Board, but I have had many conversations with them. We -- as you can imagine, the world of student data privacy is continuing to evolve; right? And it's going to continue to evolve and we are trying to evolve with it.

We are not perfect, by any means, but we are going above and beyond to -- we have created a data privacy center to try to make sure that we are doing everything in our power to protect student data. But this is not information that's being shared in the sense of even a student's GPA or -- or even like a student's specific test score, like this is the broader information around like a high school graduation date, a cumulative GPA, geography; right, like intended college major. But this is not social security numbers, this is not parental education levels, this is not phone numbers; right? We're not going down to that microlevel. Like we really are trying to give a broader picture and making sure that, if there's a specific school that has an

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opportunity for a student and a student's test score range would fall within a certain nursing program, right, or engineering program, that a higher ed institution or scholarship organization could let that student know that they could be -- that they could have something to offer to them.

REP. TURCO (27TH): Thank you, Ms. Gibson. I appreciate that. And thank you --

ASHLEY GIBSON: Thank you so much.

REP. TURCO (27TH): -- Madam Chair for being able to answer questions.

REP. LINEHAN (103RD): Are there any other questions? Okay. I have a few now.

ASHLEY GIBSON: Sure.

REP. LINEHAN (103RD): Okay. [Laughter] These are kids who are still in high school; yeah?

ASHLEY GIBSON: Yes, correct.

REP. LINEHAN (103RD): Why is that -- why are they not covered under FERPA?

ASHLEY GIBSON: They are covered under FERPA.

REP. LINEHAN (103RD): But FERPA doesn't allow you to give anything. So, why then, can you take information and give it?

ASHLEY GIBSON: Well, for one, they're opting in, and it's a broader range of students is my understanding. But under -- we are covered under FERPA and there's also an acronym for student data privacy, like SOPIPA is what it's called. [cross talk].

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REP. LINEHAN (103RD): What -- what -- what -- it's called what?

ASHLEY GIBSON: SOPIPA is the acronym. I don't know what the --

REP. LINEHAN (103RD): I can't remember all these.

ASHLEY GIBSON: I know. I know.

REP. LINEHAN (103RD): All right.

ASHLEY GIBSON: I can send you -- I can follow up with information --

REP. LINEHAN (103RD): Yeah, great. Thank you.

ASHLEY GIBSON: -- for you.

REP. LINEHAN (103RD): Yeah.

ASHLEY GIBSON: But essentially, right, like this is part of it evolving and states are now looking at this individually because there's not something at the federal level that broadly covers all aspects of it. So, everyone is sort of figuring this out and we're figuring it out with them.

REP. LINEHAN (103RD): Okay.

ASHLEY GIBSON: But we do adhere to FERPA. Schools have to adhere to FERPA. SOPIPA has to be adhered to. But I think, one of the mechanisms, is the student opting in and having the ability to opt out. And then, also for the fact that it's a licensing agreement; right? So, if a higher ed institution or a scholarship organization is licensed with -- with us, there's those very strict guardrails that they have to stay within and they can't use the information for anything outside of educational purposes. They have to destroy the information

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after the agreement ends; right? So, I think that there's those sort of mechanisms that might keep us within the federal guidelines.

REP. LINEHAN (103RD): So, forgive me because I was having an aside.

ASHLEY GIBSON: Sure.

REP. LINEHAN (103RD): So, currently, as it stands right now, is it an opt in to share your information or an opt out to share your information?

ASHLEY GIBSON: It's a opt in. And if a student does opt in, there is always the option to opt out.

REP. LINEHAN (103RD): When they opt in, is it very specific and explicit about how it will be used?

ASHLEY GIBSON: So, I spoke to Senator Champagne. He asked for that exact wording. So, when I gather that for him, I will pass it along to you as well.

REP. LINEHAN (103RD): Thank you. And then, additionally, and please don't take offense to the question --

ASHLEY GIBSON: No.

REP. LINEHAN (103RD): -- are you sharing that information of your own good will or are people paying you for that information?

ASHLEY GIBSON: So, they do pay to license. That is -- they do pay to license and that is something that the higher ed institutions then turn around and hopefully recruit students to then have them at their institutions. But also having said that, part of our mission and value of providing equity and access, we reinvest the majority of the revenue

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garnered from those licensing agreements to then cover SAT fee waivers for low-income students.

REP. LINEHAN (103RD): Well, that I like.

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): Can you get information regarding what percentage that is? The total dollar amount that is collected through these licensing agreements --

ASHLEY GIBSON: Yep.

REP. LINEHAN (103RD): -- and the total dollar amount that is put back, and how many people yearly that that affects, not only statewide but nationwide?

ASHLEY GIBSON: Yes. And I can tell you that I don't have all that information right now. But I can tell you --

REP. LINEHAN (103RD): You can get back to us.

ASHLEY GIBSON: Yeah. But I can tell you that the latest figure that I heard was around \$129 million dollars that we put back towards SAT fee waivers.

REP. LINEHAN (103RD): Nationwide?

ASHLEY GIBSON: Nationwide, and then also, in addition to the fee waivers, that's unlimited [inaudible 5:33:32] for students who are low-income. So, if a student wants to send their application to one school or 25 schools, that's covered by the College Board. So, I can get you that specific information on that.

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REP. LINEHAN (103RD): So, this is all different now. Because when I was applying to colleges, I literally had to fill out booklets and send them in.

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): But now, because as you can see from the Committee today, I work a lot with students, and I write letters of recommendation for them often, and it's all done in this one portal.

ASHLEY GIBSON: Yes.

REP. LINEHAN (103RD): Right? So, I write one letter, they put it up into the portal. I have to answer questions, something like that. So, this now -- has this become the only way to apply to college?

ASHLEY GIBSON: No. Not by any means.

REP. LINEHAN (103RD): Okay.

ASHLEY GIBSON: It's just another tool; right?

REP. LINEHAN (103RD): The one that everyone uses?

ASHLEY GIBSON: It's -- it's a -- it's a solid one; right? Because there are a vast number of students nationwide who take the SAT and the PSAT; right? And as an organization, we have -- we have redesigned the PSAT and the SAT within the last sixish years; right, to better align to what students are actually learning in school; right? When I took the SAT, it was a whole separate test I had to take --

REP. LINEHAN (103RD): I don't even remember --

ASHLEY GIBSON: -- time.

REP. LINEHAN (103RD): -- what -- what it was --

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ASHLEY GIBSON: Oh, yeah, I know.

REP. LINEHAN (103RD): -- as long as it was.

ASHLEY GIBSON: I -- I can tell you that it was not an enjoyable experience [laughter] for me. If -- I would much rather take the SAT that's today. Because it is much better aligned to what students are actually learning in math and English; right? And we have connected the PSAT to build on each other to the SAT; right? So, theoretically you can show student growth, you can show AP potential, you can do personalized aligned practice on the Kahn Academy; right? So, a student can go on there, put their scores in, have adaptive practice for the assessments. And so, it's this whole world that's connected and Search is just one more piece of the puzzle.

REP. LINEHAN (103RD): That's fascinating.

ASHLEY GIBSON: Yeah. We could talk about it for days.

REP. LINEHAN (103RD): Okay. Thank you --

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): -- very much.

ASHLEY GIBSON: You're so welcome.

REP. LINEHAN (103RD): I appreciate that.
Representative Hayes.

REP. HAYES (51ST): Thank you. Just so I understand, when you collect this data, you then give it to somebody who buys a license; correct?

ASHLEY GIBSON: Yes. We have a licensing agreement with -- with higher ed institutions or not-for-profit scholarship organizations.

REP. HAYES (51ST): Is it -- is it possible that -- that second party is then reselling that data to someone else?

ASHLEY GIBSON: I mean, hypothetically, you know, I'm not going to say no to your question because that could be. But based on our agreement with them, then they would be in breach of the contract. And we don't have any evidence of that -- that -- that is happening. But we would have legal remedies if it was. And we could also prevent them from having a licensing agreement in the future.

REP. HAYES (51ST): Okay. Because when -- when Senator Champagne testified this morning, his concern was credit card companies. So, I'm wondering if the data that you are giving, supplying under a license, is then being reissued or resold to like a credit card company.

ASHLEY GIBSON: Yeah. I -- I hope that's not happening. Because that is definitely not allowed under the licensing agreements that we have with the entities. So, that is concerning. But I also don't know that that's actually happening from our end. So, if there's -- that's what I talked to Senator Champagne about, like if there's very specific information or details that he could provide, because we don't know of any -- we don't know of any person that we -- or entity that we -- that we have a licensing agreement with that is not in compliance. Yeah.

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REP. HAYES (51ST): So, once a student decides to opt back out, the information that's already been given to the -- to them, the other licensing institutions prior, that -- that can't be retracted? That just -- that's just out there someplace?

ASHLEY GIBSON: Yeah. But based on the licensing agreement, once the information can no longer be used or has already been used, it -- it should be destroyed based on the licensing agreement.

REP. HAYES (51ST): Okay. Thank you.

ASHLEY GIBSON: Uh-huh.

REP. LINEHAN (103RD): That was -- I -- unfortunately, I missed Senator Champagne's testimony. And I can say that credit card companies are all over these kids. So, that's really interesting to me. So, I -- I'd really love to see that [laughter] information. So, thank you. Thank you, and thank you.

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): Are there any other questions? Representative Kokoruda.

REP. KOKORUDA (101ST): Not a question, but I believe it was Senator Champagne that said -- he was the one that has a constituent that spelled her name wrong. Were you here for that testimony? She spelled her name wrong on her SATs and started getting all these credit card applications and obviously they all came from -- generated from one place. And that's what was he previously speaking about.

REP. LINEHAN (103RD): You know, I used to -- I used to spend a lot of time on college campuses in my old

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profession, and I can't tell you how many times it was, sign up for this credit card and get a beer cushy. Don't even get me started, because they shouldn't be drinking beer anyways. But sign up for this credit card and get a frisbee. Sign up for this credit, and they get a t-shirt, I did it.

ASHLEY GIBSON: Uh-huh. Yeah. And I talked to Senator Champagne as well. We had heard -- like the specific constituent that he is referencing, this incident happened approximately 17 or 18-years-ago. And not that that's excusing it, by any means or not that that doesn't mean that data -- student data that was shared in some way, was not mishandled; right?

But there is a different world today in terms of federal and state data privacy laws. And we, as I mentioned, like we are not perfect, but it is incredibly important to us and we are continuing to evolve with it. We have hired a chief data privacy officer; right? We have like this specific arm of it. We have a data privacy center. It's something that we're evolving as well. So, that's something I talked to Senator Champagne about to where it's, unfortunate that that happened, but we're also operating in a much different world today when it comes to data privacy.

REP. LINEHAN (103RD): But here's where the concern happens, right, because I asked you, is that the only way to apply to college, you said, no. If you were the only game in town and you're doing this, then it says, oh, okay. Well, maybe we don't need this. But if there are other ways for students who are giving their information for the purpose of -- of applying for college and -- and they don't have

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those stringent self-imposed rules, that's probably who we're getting at.

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): So, if this bill moves forward and it passes, it affects you and it affects the ability to -- if it passes as written --

ASHLEY GIBSON: Yes.

REP. LINEHAN (103RD): -- it affects the ability then to get those students in need, right, and -- and apply --

ASHLEY GIBSON: Yeah. And that's --

REP. LINEHAN (103RD): -- for the SATs.

ASHLEY GIBSON: -- our concern.

REP. LINEHAN (103RD): But if we -- but we have a little magical thing called substitute language that maybe we could look at, that would get at that, that we'll really be more focused on the bad actors and model it based on what you do. So, I -- I -- I'd hate to throw the baby out with the bath water because you're doing what's right. But we're not now convinced. I -- I mean, I look at the nods from my Committee members, I don't think we're convinced that every portal is doing what -- what yours is doing. So, we're going to have to work on that and look at it. But you bring up some very great points and -- and I appreciate them. But I think -- I think we're going to now have to try to figure out who the bad actors are and see what we can do to -- maybe you guys can serve as a model.

ASHLEY GIBSON: And we -- we have worked in many states, right, that have tried navigating this --

this world of data privacy. So, I'm sure that there are some language that we could -- we could suggest that it would not place these barriers. Because right now, this legislation, honestly, is just bad [laughter] for us; right? Like it --

REP. LINEHAN (103RD): Okay.

ASHLEY GIBSON: -- would -- it would be strong concrete walls for students, which is unfortunate; right? Like, that's not the intent. But -- but we're happy to work with you.

REP. LINEHAN (103RD): Please, I'm very open to hearing --

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): -- what your suggestions are. We don't live in this world every day.

ASHLEY GIBSON: Yeah.

REP. LINEHAN (103RD): So, we need to hear from the people that do. And I think that that would be very helpful. So, if you could get that to us, that would be tremendous and we appreciate it.

ASHLEY GIBSON: I will absolutely do that. Thank you so much.

REP. LINEHAN (103RD): Thank you. Any other questions? None, thank you so much. Denise Learned. Is that correct? Okay, great. Thank you. And then, followed by John Flanders.

DENISE LEARNED: Hi. Representative Linehan, Senator Moore, and members of the Committee on Children, thanks for the opportunity to provide testimony. My name is Denise Learned and I'm here today on behalf of the Connecticut Camping

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Association, and I'm also a member of the Connecticut Alliance of YMCAs. I'm the Executive Director of Camp Hazen YMCA in Chester.

You do have written testimony from both Keith Garbart, from the Connecticut Camping Association, and from John Cattelan, from the Connecticut Alliance of YMCAs. We're in support of H.B. 5336, AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES OF LICENSED YOUTH CAMPS.

First and foremost, I want to say that in camping in Connecticut, the safety of children is our number one property. We're in favor of comprehensive background checks for youth camp employees, but are concerned with some of the logistics as you've heard before today of the proposed bill.

Unlike childcare, due to the seasonal nature of our business, we do not feel that FBI fingerprinting at this time is -- is feasible and can be completed in a timely manner or at a reasonable cost. Right now, in licensed camps in Connecticut, there's about 16,000 youths that will be joining us later this Spring, some we don't have ready to come to us until a week or two before we are actually ready to bring children in. And to be ready to take that on as the OEC is -- is hoping to do and -- and expecting to do a year from now, it concerns us that they'll be able to make that happen.

Currently, camps are conducting criminal background checks through third parties and we believe that these checks are accurate, they're dependable, and they achieve the same results that -- that we need to have but in a timely manner. And it's using social security traces, dates of birth, addresses for the past seven to 10 years. It's checking

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national -- the National Sex Offender Registry. And for those camps that are accredited by the American Camp Association, it is mandated and it's mandatory that these checks are done on each and every one of our employees.

Additionally, this bill, when it was brought up a little bit earlier or maybe a lot earlier today, I don't know, it's been a good -- good day, but additionally in this bill, the -- the current language doesn't address our international camp staff. Especially, but -- but not just, but especially in our overnighter resident camps, we can have many people from many different countries around the world.

At Camp Hazen YMCA our goal is to have about 35 percent of our staff that come from outside of the U.S. to provide the kind of community that we want to -- to enhance the kids' experience. All the staff who come, come through a J-1 visa program and they are required -- okay, and they're required to have a criminal background check from their home country in order to get that visa. To have a U.S. based criminal background check for those who may not have ever been in this country before, just wouldn't yield the kind of results that -- that I think would be useful, if -- if they haven't been here.

And finally, I just want to say that we just want to make sure that -- that this bill is doing what it's intended to do -- do. Should -- should we have a statutory requirement for criminal background checks for camps? Absolutely. We -- there are only 31 states, believe it or not, in the country that have this, and Connecticut is not one of them, at this

time. I just think that I would like you to consider how we're -- we would be going about this initially to make it happen.

Oh, the -- the other thing I -- I did want to mention is that currently with our third party checks that we are being done, we aren't having them done within 24, occasionally 48 hours and we are able to get those results. To have to wait two or four or six weeks, we don't even have our -- our -- our staff back in the states in order to get those fingerprints done. So, I think that's all I have to say.

REP. LINEHAN (103RD): That was excellent.
[Laughter] Thank you very much for your --

DENISE LEARNED: If you have any questions --

REP. LINEHAN (103RD): -- testimony. You know, we have heard from the Commissioner that the background checks, by the time that this bill goes into effect would be down to 24 to 48 hours. So, that's good. I -- I want to thank you for the information on the J-1 visa, because as we look at the standards and try to make everything, you know, the crimes that could potentially take you out of the running of eligibility for being hired, they all need to match. So, we're going to take that and look as well to make sure that everything is -- so that was actually very helpful today. And so, thank you for waiting all this time to testify.

DENISE LEARNED: Absolutely.

REP. LINEHAN (103RD): Are there any questions?
Yes, Representative Green.

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REP. GREEN (55TH): Thank you. Thank you for your testimony. I'm going to disclose, I also run a -- a camp program. I own three childcare centers. So, my license is under OEC. And I run a camp, but it's under my childcare licenses. So, what would it do to you, as -- as a summer camp, what would it do to you if five people decided not to show up for work? So, camp is supposed to start next Monday, five people don't show up, and you have ratios to meet. What does that do to you?

DENISE LEARNED: That -- that would be huge. And -- and we would have to make that decision, you know, what -- if we were not able to go out and get additional staff to cover that and again, if there's a time constraint, that would be real hard. And if there was no provision in it that said while in process, you know, which -- which could also be beneficial, we would have to tell families that they would have to go away.

REP. GREEN (55TH): So, you would have --

DENISE LEARNED: And [cross talk] --

REP. GREEN (55TH): -- turn families away?

DENISE LEARNED: -- at that point experience for their kids.

REP. GREEN (55TH): In your ratio, do you have to -- so you have to meet ratios just like I do at all times?

DENISE LEARNED: Absolutely.

REP. GREEN (55TH): And your ratio is?

DENISE LEARNED: It depends on the age --

REP. GREEN (55TH): Okay.

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DENISE LEARNED: -- we -- we deal with --

REP. GREEN (55TH): Could you share?

DENISE LEARNED: We deal with kids from age 5 through age 16.

REP. GREEN (55TH): Uh-huh.

DENISE LEARNED: It depends on the program that they're involved with. It's different on the waterfront versus --

REP. GREEN (55TH): Okay.

DENISE LEARNED: -- you know, crossing the field and -- and that type of thing. But it can be anywhere -- I'm going to look towards our Associate Executive Director right now, Kath.

KATH DAVIES: I'm Kath Davies. I'm the Camp Director at Camp Hazen YMCA. So, in the State ranks for youth camps, I believe it's 1:6 ratio for 6-year-olds, and then it goes up to 1:8, and then 1:12 for 14-year olds. I believe.

REP. GREEN (55TH): And you guys have -- you're already doing background checks right now?

KATH DAVIES: Absolutely.

REP. GREEN (55TH): Through a third party?

KATH DAVIES: Yes.

REP. GREEN (55TH): And how long have you guys been doing your own background checks?

DENISE LEARNED: We have done -- I've been in my role since '99 and we've done since at least that time. They've changed over time.

REP. GREEN (55TH): Okay.

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DENISE LEARNED: And they've gotten more sophisticated. But we've done them since that time.

REP. GREEN (55TH): And your turnaround is 24 to 48 hours?

DENISE LEARNED: At -- at the most, sometimes three or four hours.

REP. GREEN (55TH): Wow.

DENISE LEARNED: It depends on -- on the state that an individual comes from and -- and just the timing of the company that we work with at that moment.

REP. GREEN (55TH): Can I ask you the cost of what it costs for your background checks?

DENISE LEARNED: Yes. Right now depending on the state that the individual comes from -- it -- it's usually in the \$33 dollar to \$45 dollar range. And that would be as opposed to the \$88 dollars --

REP. GREEN (55TH): Almost \$90 dollars.

DENISE LEARNED: -- and \$0.25 cents.

REP. GREEN (55TH): That's almost \$90 dollars right now. Which -- OEC charges right now \$88.75 cents right now, \$88.75, something like that. It used to be \$19 dollars, and then it was like \$23 dollars, and then it just jumped automatically up to \$88 dollars. So, a couple weeks ago --

DENISE LEARNED: So, we're less than half.

REP. GREEN (55TH): -- we just, you know, went for five background checks it was almost \$500 dollars. And you know, I just got a -- a message from one of my Directors, we just had a Monday through Friday, 3:00 to 6:00 person just quit and she was there for

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two weeks. So, now we're out almost, you know, \$88 dollars, and then we're also trying to look for someone else. And I know, as a camp you're going to go through the same exact thing, as well.

DENISE LEARNED: Absolutely.

REP. GREEN (55TH): But I -- I think this is a -- I think it's a bill we really need to work on and we really need to consider how it's going to affect the youth camps, based on the fact that you won't be able to provide any type of program for families and you're going to push families away. And that's a problem. It's going to hurt the working family. And yes, we do need to have background checks and we need to come to some kind of middle ground. I mean, it would be wonderful if OEC actually did the 24 to 48 hours. I mean, that would be wonderful. I'm hopeful that they can, and if they do, it's not an issue. But if they don't, it's going to be a big issue for the next year. But thank you for your testimony.

DENISE LEARNED: Thank you.

REP. LINEHAN (103RD): Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you. Well, in my past life, I was involved with an organization that one of the camps we ran was Deer Lake --

DENISE LEARNED: Okay. Just down there.

REP. KOKORUNDA (101ST): -- which we're neighbors. And actually, you were a standard that everybody wanted to follow. You run a wonderful, wonderful camp. I've just heard wonderful things about it. I've -- I've never actually been there while you've been active, but I've been there off-season.

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I should know this, but I -- I just don't remember, if you have a counselor, you know, someone of your senior, you know, still seasonal that comes every year, someone you've had five years, that person has to have a background check every year?

DENISE LEARNED: Those are our rules. Right now, we do for all of our staff on an annual basis.

REP. KOKORUDA (101ST): Is that state rule? Do you know if it's state or --

DENISE LEARNED: No, right now there is no state regulation --

REP. KOKORUDA (101ST): Okay.

DENISE LEARNED: -- for background checks.

REP. KOKORUDA (101ST): All right. Thank you. Well, keep up the good work.

DENISE LEARNED: Can I just add to that? For the American Camp Association though, it is also required that it's done annually for seasonal staff and every five years for year-round staff or continuing staff.

REP. KOKORUDA (101ST): And do you have many year-round staff?

DENISE LEARNED: We have 17.

REP. KOKORUDA (101ST): Oh, wow. Okay.

DENISE LEARNED: We have 17.

REP. KOKORUDA (101ST): Thank you. Thank you.

REP. LINEHAN (103RD): Yes, Representative Hayes?

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REP. HAYES (51ST): Thank you, Madam Chair. My understanding is you -- you think there's 31 other states that have a variation of this bill?

DENISE LEARNED: No. There's 31 other states that require criminal background checks or comprehensive criminal background checks --

REP. HAYES (51ST): Okay.

DENISE LEARNED: -- for camp employees.

REP. HAYES (51ST): Out of those 31, do you know how many do the fingerprint federal background check?

DENISE LEARNED: As far as the information I received from the American Camp Association, there's one.

REP. HAYES (51ST): Okay. Thank you.

REP. LINEHAN (103RD): Anybody else? Representative Green.

REP. GREEN (55TH): For the second time.

REP. LINEHAN (103RD): I know. Write it down. Write it down.

REP. GREEN (55TH): Thank you, Madam Chair for the second time. Could you -- could you give us a description of what it's like to go through your accreditation? What is it about? Is it yearly? Do you have it for five years?

DENISE LEARNED: Okay.

REP. GREEN (55TH): What is it about?

DENISE LEARNED: It has changed over the past year or two. But it is on-site accreditation every five years. But each year we have to submit a response

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to a number of different questions as well. There's over 300 standards that the American Camp Association puts out there, that we have to explain our rationale and how we -- what our policies are, what are practices are. But we do have an onsite visit every five years, where we'll have two sometimes three visitors that come out and actually go through a couple of different times. One, they'll go through all of our paperwork at one time, and then there will be an actual onsite visit as well.

REP. GREEN (55TH): How long does the onsite visit take?

DENISE LEARNED: It can take up to a full eight hours.

REP. GREEN (55TH): Okay.

DENISE LEARNED: It depends on how -- how many of the different programs or the different specialty programs or different risk level programs that a -- that a camp has on-site. So, it could be, you know, three or four hours if it's a --

REP. GREEN (55TH): Uh-huh.

DENISE LEARNED: -- small camp. Or if it's --

REP. GREEN (55TH): For a larger one.

DENISE LEARNED: -- [cross talk]. Yes. But prior to that, it could also be another full day in terms of going through paperwork. There's a lot of online work happening now as well.

REP. GREEN (55TH): And if you receive so many citations, you don't receive an accreditation?

DENISE LEARNED: If you take a no for any of the mandatory standards, because there are a number of which the background checks are, if you take a no on those, there's an issue with your accreditation. I mean, there's an appeal program and process and stuff. But -- but yes, you could -- you could have your accreditation taken away. And then, there's a certain number and it's a weighted number of -- of other standards that, if you don't meet that, it could be as well.

REP. GREEN (55TH): So, background checks is definitely one of the mandates?

DENISE LEARNED: Correct.

REP. GREEN (55TH): Could you share a couple more of the mandates?

DENISE LEARNED: Again, I'm going to turn to --

REP. GREEN (55TH): A camp person.

DENISE LEARNED: Kath, Kath s a visitor with the American Camp Association.

KATH DAVIES: I believe they have one on ratios as well.

REP. GREEN (55TH): Okay.

KATH DAVIES: They have ones on things to do with, if -- if you're driving vehicles, if you got lifeguards at the waterfront, certain certifications --

DENISE LEARNED: Medical.

KATH DAVIES: -- different programs.

REP. GREEN (55TH): So, it expands it a little bit more than what licensing does?

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KATH DAVIES: Yeah. Connecticut definitely has high regulations for youth camps than a lot of other states. So, ACA brings those states up to a minimum standard. And then, depending on which way you're looking at it, sometimes ACA is more stringent, sometimes the state of Connecticut is more stringent. But it definitely has more aspects in the problematic world versus what the state does.

REP. GREEN (55TH): Are -- do you find that towns usually get accredited with the ACA?

KATH DAVIES: Do I find that --

REP. GREEN (55TH): Towns. Towns, do they ever get accredited?

KATH DAVIES: I know of one. I know that Colchester Park and Rec is one of the only towns that --

REP. GREEN (55TH): So, it's rare?

KATH DAVIES: It's very rare.

DENISE LEARNED: For their new --

KATH DAVIES: For their new -- new --

DENISE LEARNED: For their camp?

KATH DAVIES: -- [inaudible 5:55:55]. Yeah.

REP. GREEN (55TH): But most big camps, like you guys, you're all accredited?

KATH DAVIES: Yeah.

DENISE LEARNED: Yes.

REP. GREEN (55TH): Okay. Thank you.

REP. LINEHAN (103RD): I think that's it. Thank you very much.

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DENISE LEARNED: Okay. Thank you so much.

REP. LINEHAN (103RD): We appreciate your time.
John Flanders, please. Followed by Kai Greene.

JOHN FLANDERS: Good afternoon and thanks for waiting for me. [Laughter] Senator Moore, Representative Linehan, Vice-Chairman Comey, Ranking Member Green, my name is John Flanders and I am here as a Director of Special Education Excellence for Kids of Connecticut. SEEK is an organization of parents, advocates, and attorneys who work for system change to improve conditions for children with disabilities in Connecticut schools. And I'm here today to speak in favor of H.B. 5328.

I want to start by saying, it's been a while, but I was here and listened to and appreciated the testimony of Commissioner Bye. And I don't think I will be talking out of school by telling you that SEEK, as a proponent of this bill, is very willing and eager to work with the Committee and with the -- and with OEC to make any improvements that might make this bill better.

We talked a little bit earlier about the transition from birth-to-three to special education, and there is a fairly well defined and elaborate procedure for that. It involves bringing birth-to-three providers. It involves a series of meetings. And unfortunately, the most common description that we hear from parents about that formal elaborative process is falling off a cliff. Moving from birth-to-three to special education is a big deal. You move from an individual -- Individualized Family Service Plan conducted in natural environments to an individual education program conducted in the least restrictive environment, which is not the home,

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which -- which is the school. It is a big deal for parents. It is made a worse deal for parents because of the system that now inhibits the amount of information that the PPT has in order to make that transition.

Right now birth-to-three providers believe that they are not permitted to make programming recommendations to -- to the PPT during the thing. And in fact, in the -- in the rules for transition for birth-to-three, under the role of service coordinator, it says, unless requested by the LEA, it is not the role of the birth-to-three personnel to recommend or approve decisions on issues such as proposed special education goals, personnel placement, or services including location, type, frequency, or intensity of service or to make recommendations. I will tell you that birth-to-three providers consider that to be a very significant gag order. This bill is designed to remove that gag order.

We believe that the PPT process is to be a collaborative process between families and educators with all of the appropriate information to make the best decision for the students. This clearly is a spigot that cuts off that information, and it's a spigot that only one party has the authority, currently to open. What we want to do, and if this bill is imperfect, we want to make it perfect, is to make sure that that spigot is open. We want to make sure that PPTs have all the information that they need. We want to make sure that the PPT understands that's -- that a professional who has worked with this child for some time more than two years, has some pretty good ideas about what kind of services benefit that child and what kind of expectations

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that child should have. We want to make sure that that information is in the hands of the PPT and that the best decisions can be made with the appropriate information. And now I'm happy to answer any questions.

REP. LINEHAN (103RD): Thank you so very much for bringing this to the Committee's attention. And it sounds like we are well on our way. If there's some things we need to work out, I -- I am glad to hear that both you and the Commissioner are open to doing that. One thing that she did say is that IDEA, the language in that is the same as the language here, I believe. So, what does that mean we need to then change? Because if it's already a thing, but no one's paying attention to it, it's more than just codifying that into -- into state practice.

JOHN FLANDERS: The -- the first -- the earlier part of the modification of the current law talk -- talks about making sure that the parents have the right to invite the -- the providers from birth-to-three. And it is, in fact, true in IDEA that that's -- that that's [inaudible 6:01:02].

You heard Sarah Eagan talk earlier that, while it might be duplicative, it's reinforcing. And it's very important to us, to families, that it'd be very, very clear that people who have been working with the child, who have the best knowledge of the child, who have the best professional experience with the child are part of that process and are -- are given an extensive opportunity to -- to participate and provide their information.

REP. LINEHAN (103RD): And one of the things that we've discussed today would be also finding a way to reinforce the parent's rights to them and Senator

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Moore brought up that parents have a million things to look over anyways is this -- we have to make sure that if -- if this becomes part of the bill, are we doing it in a way that will actually be effective. So, as we move forward and get together, I'd just like you to think about that and think about how we can best serve those parents so, therefore, we serve the kids.

JOHN FLANDERS: No -- no question. Everybody gets that packet called Procedural Rights in Special Education, which is about this thick and --

REP. LINEHAN (103RD): Right.

JOHN FLANDERS: -- in 6-point font. And nobody reads that.

REP. LINEHAN (103RD): And then we add more to it --

JOHN FLANDERS: [cross talk].

REP. LINEHAN (103RD): -- and right. So, if there's -- we'll have to -- we'll have to put our thinking caps on and -- and figure out the best way to move forward. Are there any questions? Nope. Hearing none, thank you so much.

JOHN FLANDERS: Thank you. Thank you very much.

REP. LINEHAN (103RD): Appreciate it. The Committee would like to call Kai Greene, followed by Michelle Laubin.

KAI GREENE: Hi.

REP. LINEHAN (103RD): Hello Kai, how are you?

KAI GREENE: I'm doing good.

REP. LINEHAN (103RD): I'm so happy you're here.

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KAI GREENE: Thanks.

REP. LINEHAN (103RD): Go ahead and give us your testimony.

KAI GREENE: So, my name is Kai Greene. I'm a student at Manchester High School. I'm 19-years-old. I'm here today to support the bill 283 to make sure all the youth in DCF, like myself, have access to an attorney.

When I was 13 my brothers and I were placed in DCF care. I didn't have much support from the system and was placed in homes that I didn't feel comfortable in. I started to run away and realized I only had myself to rely on. Although my experience made me stronger in some ways, you don't expect a child to advocate for themselves. I needed the support of an adult to navigate the system to help me understand. My social workers did not do this enough.

In the last few years, I have had issues with attendance in school and trouble with the law. I had stable -- I had no stable place to live and was going through tough times. I wished I could focus on being a student and not making calls all day to figure out a place to sleep. Even talking and thinking about my past, gives me trauma. I was 18 and no longer had access to an attorney. I had to just self-advocate for myself.

However, due to these circumstances and other complicated factors, I was given a 800 form by DCF, which discharged me from DCF. Thinking back, if I had the support I have now, I wouldn't have been discharged. After I was discharged of DCF, I did research to see if there was anyone who could help

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me reenter DCF, which I built up my own team for myself.

I found the Center of -- I found the Center of Children's Advocacy and contacted an attorney there. With her help, I was able to re-enter DCF and was identified as a homeless student so my high school could be -- so my high school -- like, because if you're -- like you're homeless, basically they give you like student support and basically they help you like get your education if you need like bus passes or transportation and stuff like that, basically.

Now, I also -- oh, I forgot where I was. Sorry. Now, I also have legal representation at my DCF meetings to help advocate for me. In addition, through the center, I was able to meet Tiffany, who sat down with me and helped me call 211 with housing.

Now, I have people in my corner who keep everything confidential and stick up for me. Without my legal team, I wouldn't have had help coordinating my services, wouldn't have known about my rights as a homeless student, the TSEA program, and the Youth Navigator. You do not expect someone at a young age to know and endure this alone.

I hope that my experience and my story motivates you to help other DCF-involved youth who do not know or do not know how to help or like, gain support from DCF. Everyone in DCF should have the right to an attorney.

My goal is to now complete school and go to college. I'm going to be successful and will not let my past dictate my future. Sincerely, Kai Greene.

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REP. LINEHAN (103RD): I know you want to applaud. I'll allow it. [laughter]

KAI GREENE: Thank you.

REP. LINEHAN (103RD): Thank you so much for being here today.

KAI GREENE: Yeah.

REP. LINEHAN (103RD): And I love that you ended that with I'm going to succeed, because Kai, the first time I met you, I knew that was the case.

KAI GREENE: Yeah. It's like -- it's been a struggle and I'm like -- in a way, I'm kind of tired, like I've been doing everything on my like, I feel like I do everything on my own and me not having like a representative, like, a good relationship for my DCF worker, I feel like CCA like they help me like get things a lot done. Because like, if my DCF worker says some things to me, because my DCF worker, she has a -- she's slick with the mouth sometimes, so I just call my CCA well -- and my contact is DCF lawyer, honestly. I just call her and just listen, my DCF worker, she's -- she's -- she's not really respecting me at the moment. Can you email her? Can you contact her. Because sometimes you do need an adult to contact an adult to like get things done, because when other adults look at other kids around my age, they don't want to see like, I feel like they feel like it's too pressure on them or like they feel like what does this kid know? What does he do? He's not -- what are you bringing to the table? And my DCF worker has said some things to me, so it's like -- with that being said, it's like, sometimes even though I advocate for myself, I need that little

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push, I need that little -- that little ear in my -- like that voice in my ear to be like, yo, keep going. Because sometimes I wake up and I have to deal with depression, I have to deal with my fears, I have to deal with my struggle, because nobody's doing it for me.

Sometimes I wake up and I don't want to do things. It's hard for me to get to school, because every time I get to school I'm sitting in a room doing my social worker's job. I got to figure out where I got to sleep. I got to eat because if -- even though she doesn't take the initiative, I have to, because it's my life.

REP. LINEHAN (103RD): There is nobody who could have said it better than you or said it better than that. I honestly believe that when you are in the care of DCF, it is our moral and ethical responsibility to see you through that process. And it's upsetting that you have that trouble when you are in the care of the state and the Department of Children and Families so that we can help you be the best person that you can be, so we can help you succeed.

It shouldn't be an uphill battle for you. And it is our job, here at the Committee on Children, that we do what we can to make that easier for you. And I think that you've illustrated very importantly -- very effectively, rather, how important that is. And -- and I know, like I said, the first met you, I knew you would do a great job. You blew it out of the water here today, Kai. Thank you very much for your advocacy. Thank you for pointing out the problems with the system and how we can fix it. And with that, I'd like to open it to members of the

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Committee. Do you have any questions for Kai?
Senator Moore.

SENATOR MOORE (22ND): Kai, how old are you?

KAI GREENE: I just turned 19.

SENATOR MOORE (22ND): So, first of all, thank you for coming. Thank you for staying and being very patient during this whole thing, this whole hearing, waiting to have your turn to speak. And it's very powerful your -- when you talk about what you do for yourself. And you're right, the only person you know who you can depend on is the man upstairs and yourself. And you're building up what you're going to do to sustain yourself for the future.

I'm sorry you have to go through this journey now. There's a song, it's -- it's, *If I could, I'd take all the pain away from you*. But I can't. But you have built yourself up to have this suit of armor that you know you -- you need to be able to hang out here in the street and be able to get done what you need to get done. Now, I say that to say this is a real rough journey for you. I know it is. But I -- I promise you, when you look back, when you get beyond this, so look to the future, where you're going; right? And -- and know that this stuff that you're going through right now is really preparing you to -- to be even greater than what you are right now because I heard you say Navigator. And I think that really important people and systems where there's disparities and racial inequities, they exist, they're real. Don't let anybody tell you they're not real, they are real. And people bring stuff to the table with them; right? And then, they pass it on to you.

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So, you have to know this is -- this is a journey that's preparing you for something that's going to help others and yourself and you will get through this. And when you look back, you're going to say, you know, I learned from this. I learned by hearing all these people talk about their children and what they're going through. I feel bad for many of the kids that have to face a lot of stuff.

My children -- my granddaughter is going to be 30; right? I don't -- I haven't had kids in the school system for a very long time. I don't have kids in the system. But when I hear these, what -- what young people are going through, I wonder what are we doing? I mean what are we doing right for our children; right? We've got to do better by you. DCF has to do better by you, because this is not the first time I've heard people talk about how a social worker treated them. I think they forgot what they were supposed to be doing and why they're there.

I used to monitor service reps on the phone talking to customers to hear what they were saying. I think we need to get back to that monitoring and helping people who should be helping other children, teach them the right skills, that it's not just a job, you didn't come here just to get paid. You are here to service others. And that's what we're all here for. To make sure that you're protected and service you.

But I really do applaud you because I hear you still have that fight. We all get tired. Everybody gets tired. I'm tired right now; right? But we know that there's something that we're fighting for, and that if you don't fight for you, nobody else is going to. You've been lucky that the Children for

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Advocacy has stepped in and helped you and you have attorneys.

I love that -- that you said, I'm going to call my attorney. I love that, because that gets attention when people think you -- believe you have an attorney, because they're going to now take care of you because they don't want the problems that come along with somebody looking deeper into their stuff.

So, don't give up. Continue to advocate for yourself and -- and show others how. When you meet other people in the street that are going through what you're going through, talk to them and help them also and bring them along. There should be some type of support group for young people who are homeless and who are struggling that they can share ideas with a facilitator in the room to help them work through it. Because I don't want you to be a statistic that you gave up or you -- you went in the wrong direction; right?

We're seeing all this violence in the street and we wonder why our kids are shooting one another, because they have no hope. Because we've not left them with a lot to hope for. But know that here On the Children, we're fighting for you. And I thank you for coming up here and staying.

KAI GREENE: No, thank you.

REP. LINEHAN (103RD): Are there any other -- Representative Green.

SENATOR MOORE (22ND): Well, you're brave going after that.

REP. GREEN (55TH): Marilyn, well said. Thank you for coming up. I worked in the DCF world for 18

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years prior to starting my childcare business. And I have to say, it is not an easy world to navigate. And I have an 18 and a 20-year-old and I can't imagine them doing it by themselves. I really can't. And the fact that you've advocated so nicely for yourself, you found your own supports, I mean, it's just unbelievable that you've made it through the system and you've made it through whole, even though you still have some trauma, but you know that you can depend on yourself. But I just commend you and you've just done a super job to make it as far as you have.

KAI GREENE: It is --

REP. GREEN (55TH): Nice job.

KAI GREENE: It is -- it is tiring because like, I look at everybody and it's like, everybody go home, everybody goes to a house, everybody has a car, everybody has clothes, everybody has shoes, they have socks, they have their little TVs, some have big TVs, some have little TVs. Some have big couches, some have little couches. And it's funny because I know for a fact, when I leave here, I know where I got to go to, I know how -- I know -- my minds here, but I know where I have to go back to, and the struggle I have to protect and I -- the persona I have to put on because of problems and people I don't believe want to deal with, but I have to. But I get that's part of growing up, is what everybody ever told me. So, it's like you said, it's a suit of armor.

REP. GREEN (55TH): Yep.

KAI GREENE: Like --

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REP. GREEN (55TH): And you've made it this far. Now, do you have a permanent home as of right now?

KAI GREENE: Honestly, I don't. I -- honestly, I stay with a -- I stay with my best friend and her mom. And honestly, I don't know how long I'm going to stay there, because like, I have no income. I have nothing going on for myself. And right now, they're thinking about putting me in night school because I barely show up to school because I have to make phone calls at home, or when I do show up to school I can barely make it to class.

REP. GREEN (55TH): It's not your --

KAI GREENE: So, --

REP. GREEN (55TH): -- priority. Your priority is taking care of you and your basic needs.

KAI GREENE: But it's kind of hard when I should be in school and I should be dealing with school. And if you don't -- and with DCF, they have you sign an agreement, if you don't follow up with school they discharge you again. And that's basically why I'm trying -- I'm fighting to like not go back to, because if I don't follow up with school, I could be possibly discharged from DCF again. And it's like, I'm back on my own, I'm back with no contacts, and back with no services. It's basically like a cycle.

REP. GREEN (55TH): Yeah. And to be 19-year -- years old and to do that all by yourself, like I said, I have an 18 and a 20-year-old and I can't imagine them navigating through any of that and figuring it out. I mean, it's just -- it's so much for somebody who is so young and to have that trauma in the back, and then still know that it's still there, the depression and dealing with the trauma

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and -- and knowing where you're going to sleep for the next week or so. I mean, that's -- that's so much for somebody to carry that load by yourself. But you've done a great job. And you know, I -- I think your journey is going to continue and it's going to make you stronger. But you did a great job testifying. Thank you.

KAI GREENE: Thank you. Any more questions? No? Okay. Bye.

REP. LINEHAN (103RD): Kai. Kai, I'm sorry, can you -- would you mind coming back for just one second? I'm sorry, I was -- we're concerned and we want to help you and we want to figure out something. I understand that you are here for the greater good and that you want to help others in your situation and you've done that effectively. But now, it's also time for us to see what we can help for you, personally. So, if you wouldn't mind, I'm going to turn this over to Senator Moore for a moment. And if we could step out of the Committee room and -- and have a moment to talk with us together and -- and see if there's a way that we can get some things worked out. I have someone here with me that -- that we're going to help to do that. Okay? But before we go, I told you, it was coming. You've earned the pen. [Laughter] I told it was coming. So, I'll give that to outside, but Senator Moore, if I could just turn this to you.

SENATOR MOORE (22ND): Kai, I was going to give you my personal cell number, so when you call DCF saying Senator Moore [laughter] will be your -- will be your attorney the next time. Okay?

KAI GREENE: Yeah, definitely. [Laughter].

SENATOR MOORE (22ND): Don't give up.

KAI GREENE: Thank you.

SENATOR MOORE (22ND): Thank you. Michelle Laubin.

ATTORNEY MICHELLE LAUBIN: Good afternoon. My name is Michelle Laubin. I'm an attorney with the law firm of Berchem Moses in Milford, Connecticut, and we represent school districts. And I just want to say we work with The Center for Children's Advocacy often and they're a great organization. And it's really great to see Kai here advocating for himself.

I'm here with a different kind of cautionary tale that I'm going to ask you to take a look at, and it's the testimony of Karen Berasi, which should be in your packets. Karen couldn't be here today. She is a former school superintendent. And she submitted her testimony in support of H.B. 5332, which is ACT REQUIRING A STUDY OF THE TIMELINESS OF REPORTS AND FAILURE TO REPORT BY MANDATED REPORTERS.

I'm going to ask you serve the interests of children. I will submit to you that it does not serve the interests of children to drive gifted educators out of education, which is unfortunately what is happening with the current application of some of the DCF mandated reporting laws.

Karen Berasi lives in Suffield, and I know that she would thank Commissioner Bye for working with CAPSS, the Connecticut Association of Public School Superintendents to establish a Special School Investigative Unit. But I would submit to you that that may not be enough to address these issues.

I'm going to speak for Karen and -- but I'm going to speak in the third person. She sincerely

appreciates your interest in improving the process of mandated reporting and investigation. While we all strongly believe in the importance of child protection, she believes it's also crucial to proceed in a fair and impartial manner that is not capricious. Nearly two years ago, she personally experienced the harm created by a system that is currently based on cloudy definition, subjective opinion, and disregard for the expertise of educators. Despite her speaking with a careline worker, who agreed that the case that she was reporting did not need to be reported, there was a conflicting DCF opinion that resulted in her excellent career being cut short and her honorable reputation being tarnished.

It is crucial that DCF investigations proceed in a fair, impartial, and timely manner that is not capricious. Subjective opinions, bias, and politics do not belong in this important decision-making process. A 12-hour window of time for mandated reporters is impractical, as well as, unnecessary when children are not in immediate danger. When mandated reporters are inconsistently held to the 12-hour reporting window, DCF and law enforcement take whatever amounts of time they chose and frequently drag the process beyond a few months.

I'll just add here that, often times, when school staff are the subject of DCF reports, they are put on administrative leave during the time that the investigation is ongoing. And often times, these reports are unsubstantiated, and meanwhile, the children that the school staff are supposed to be serving are deprived of their services.

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I'll -- I'll sum up and then, I'll offer you an opportunity, if you're interested in hearing more about this to ask any questions. She believes that a task force should be established to ask certain questions, which are in her testimony, including how many calls to report abuse are made per month to DCF; what percentage of these claims are investigated; what percentage are unsubstantiated; what is the training that is given to the DCF careline workers; what is the educational and knowledge requirement for the position; what percentage of DCF calls are against school employees; what percentage are investigated, etcetera.

She urges you to support H.B. 5332, so that she can -- you can improve the process and procedures of mandated reporting and DCF investigations, particularly in the case of school employees. Clear reasonable standards for mandated reporting need to be written and practiced consistently with fidelity. Investigation should be timely and conducted on the basis of a body of knowledge with full consideration and trust in the knowledge of school district employees. Warrants of arrest need to be signed based on a clear, consistent standard, and not the political climate within a town.

Thank you for your time and consideration. And I'll certainly take your questions, if you have any.

SENATOR MOORE (22ND): Thank you. Yes, Representative Green.

REP. GREEN (55TH): Thank you, Madam Chair. I'm a mandated reporter and I've been a mandated reporter for over 30 years. I'm not understanding why it's so difficult for a school system to live within the

12-hours. I mean, I've been doing this for over 30 years and 12 hours is very reasonable. So, I'm not understanding why a school employee is different and they need more time when they suspect abuse of any sort in the school system.

ATTORNEY MICHELLE LAUBIN: So, one of the things that was happening, and I think this is partially addressed in the establishment of the special school investigations unit. But I can tell you from my own experience and speaking to my clients, I'm not the one who makes the calls. But I know many of our clients have to make the calls and as of a few months ago, they were waiting on hold for hours and hours and hours waiting to get through to somebody on the Careline. There were, you know, young mothers who were, you know, putting their children to bed and, you know, still waiting on hold for DCF to pick up the phone so that they could make the reports.

There are a lot of gray areas in terms of how much investigation the school is supposed to do before making the call. We've been advised pretty clearly that DCF wants the reports to be made more or less immediately without doing a whole lot of investigation.

REP. GREEN (55TH): Absolutely.

ATTORNEY MICHELLE LAUBIN: But if you call and you don't have sufficient information, you know that -- that investigation, it's not going to be picked up for investigation. Which also can unfortunately result in harm to a child who's potentially not being protected then. What I would say is and -- and Karen and I have talked about this, it's

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possible. And I -- I would just submit this for your consideration.

In the case of school staff, when a report is being made against school staff, typically the person against whom the report is being made will be put on administrative leave pending that investigation. The school has control at that point over, whether or not, that person is in contact with the child or children that they're accused of abusing or neglecting in some way. That, to me -- that ability to take the person sort of out of the situation mitigates the need for kind of the immediate call to DCF or the -- the harm that could result to other children. So, you could consider, for example, could it be 24 hours, which I think was the rule previous?

REP. GREEN (55TH): I think it's always been 12. I always remember 12.

ATTORNEY MICHELLE LAUBIN: I --

REP. GREEN (55TH): Yeah.

ATTORNEY MICHELLE LAUBIN: I'll leave that to your expertise. I believe, at one point, there was a 24-hour rule. And that certainly would give school staff enough time to get their facts together, get on the phone, and give a comprehensive report. And 12 hours could be the rule, for example, for making a report against somebody other than school staff where we don't have the ability to immediately react and take that person out of the situation that they're being accused of mishandling.

REP. GREEN (55TH): You know, I -- I -- I hear what you're saying. But I -- I think the longer you have to investigate, and it's not the school's

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responsibility to do any of the investigation, and when you go through your mandated training, it's -- it's actually DCF. Your job is to just report it. And it's DCF's job to come in and -- and do the investigation. I've made many phone calls to the hotline on situations. And if you can't get through -- and there were -- and there was a time where it was more challenging, about a year or two ago. But you're persistent, you keep going.

But you can also, you know, fill out the DCF 136 form and fax it over. Yes, you're not going to have the hotline's person that you reported it to, but you have that documentation that, yes, you did do it. You did report it. And the report on the DCF 136 is just a really basic report. It's just the names, the addresses, a really brief summary, your phone number. It's really just a very brief little report. It's not -- it doesn't give a lot of information beyond just the generalization. Because then it's DCF's job to come in and do the investigation.

So, I -- I've always been a little puzzled why school systems think that they need to do the investigation prior to reporting where there have been so many cases in the school system, where the school just tries to hide it. And I think 12 hours is a very reasonable amount of time. And I -- I don't think you can say just, you know, like I said about a year or two ago, they did have a -- a tough time with the -- with the hotline. That that's the generalization that everyone waits on the phone for five hours; that's not true. I mean, I've been doing this for over 30 years and I've made phone calls quite often. I mean, typically, you know, sometimes I've been on hold for half an hour. But

that's not the norm. I do have to say, it's not the norm.

But -- but I've been puzzled why -- why school systems do take that stance in like the fight club and the sexual stuff down in New London, where it's just -- it's just not reported as timely as it should be reported.

ATTORNEY MICHELLE LAUBIN: If I could, I think it does vary from region to region. So, respectfully your experience may be different from the clients that I work with. I do think that is improving and -- and we appreciate all the efforts that are being made to improve that experience for everyone. I don't think that school staff are going overboard to try to investigate prior to reporting these things.

I think the problem that Karen Berasi is bringing forward is that the 12-hour requirement is being inconsistently enforced. And in her instance, what happened, was that she made a phone call to the DCF Careline, she spoke with a worker, the worker told her that this was not a situation that needed to be reported, told her what a wonderful superintendent she was. They concluded the call. And then, there was another call made by somebody else involved in the situation, and Karen was actually arrested and charged.

REP. GREEN (55TH): But wasn't it documented that she had made a --

ATTORNEY MICHELLE LAUBIN: And the charges --

REP. GREEN (55TH): -- phone --

ATTORNEY MICHELLE LAUBIN: -- were dismissed --

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REP. GREEN (55TH): But she --

ATTORNEY MICHELLE LAUBIN: -- ultimately. But you have to understand, that when that happens, this is a school superintendent, with a long and excellent professional reputation and career, whose career was cut short by this incident. She was not able to continue on as superintendent, and -- and she's retired now. She is -- she's a successful person. And you know -- but that -- she -- she lives with this at the end of her career.

REP. GREEN (55TH): Which is hard, because when you do work with kids, you do take the mandate of reporting very seriously. But wasn't it documented that she did make the phone call within the 12 hours?

ATTORNEY MICHELLE LAUBIN: Of course, and there was a recording of the call. And all --

REP. GREEN (55TH): A recording?

ATTORNEY MICHELLE LAUBIN: -- of that came out afterwards.

REP. GREEN (55TH): And --

ATTORNEY MICHELLE LAUBIN: And that's exactly what she is concerned about, because it seemed to her, as though the enforcement was inconsistent. The enforcement in this case was --

REP. GREEN (55TH): Yeah.

ATTORNEY MICHELLE LAUBIN: -- seemed to be politically motivated. And that's why --

REP. GREEN (55TH): And that's not fair.

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ATTORNEY MICHELLE LAUBIN: -- she's supporting the inquiry approach that is contained within H.B. 5332. I don't think any of us are saying that this is what happens all the time.

REP. GREEN (55TH): Yeah.

ATTORNEY MICHELLE LAUBIN: I think we're saying that is a concern, and we would like you to take up a task force approach to investigating and rooting out any of those inconsistencies.

REP. GREEN (55TH): So, do you find it's more of a DCF procedural situation where they -- I mean, the hotline made the decision not to take the -- the case. So, at that point that person -- I mean, it seems like it's more of a procedural situation. Yeah?

ATTORNEY MICHELLE LAUBIN: It did seem very technical to us, because the -- the decision was made, in other words, not to complete the taking of the report, because of the -- the Careline worker's interpretation that this was not something that needed to be reported. And so, no report was recorded.

REP. GREEN (55TH): No, because it needed.

ATTORNEY MICHELLE LAUBIN: Right. But ultimately, the police made a different determination. They filed charges. She needed to hire an attorney to represent her. She needed to pay thousands of dollars in legal fees to defend her in this situation. And ultimately, the charges were dropped. But this is not something that should be happening. And I can tell you --

REP. GREEN (55TH): I agree.

ATTORNEY MICHELLE LAUBIN: -- that there are thousands of educators that I work with all over the state, who live in fear of something like this happening to them, and their career being cut short or tarnished or never being allowed to work with children again, who are not abusing and neglecting children. And so, they want to continue to work with Connecticut children, they want to continue to serve Connecticut children, and they are concerned that this is happening and could happen to them, and they don't want to see that happen.

I will say that, you know, from my perspective, this all sort of happened as a result of taking the good faith immunity out of the statute for failure to report. It used to be that, you know, DCF would defer, in some ways to educators who had evaluated situations and said, you know, this is not something that I need to report. And if it was a determination that was made in good faith, there was deference to that. And it -- I understand why the deference was taken out of the statute. But it seems to have swung the pendulum a little bit too far, we think, in the wrong direction. We're -- I'm -- I'm absolutely not here arguing against making reports or having DCF investigate. But it is frustrating to see careers of good people --

REP. GREEN (55TH): Oh, absolutely.

ATTORNEY MICHELLE LAUBIN: -- being jeopardized over this. And that's why I'm here. And that's why Karen has written her testimony to you.

REP. GREEN (55TH): I'm sorry she's had to go through something like that, because as a mandated reporter, we all do take our jobs very seriously. And we do cherish the children that we do work with

and we don't want harm to them. But it -- it sounds like so much -- so many things just went wrong in that case and procedurally and everything else. She did what she needed to do and she was cleared. So, but thank you for your testimony. I appreciate it.

ATTORNEY MICHELLE LAUBIN: Thank you.

REP. LINEHAN (103RD): Any other questions? Thank you very much for your time.

ATTORNEY MICHELLE LAUBIN: Thank you.

REP. LINEHAN (103RD): Sam Webb please, followed by Joseph Luppino. Sam had to leave? No Sam? Okay. We'll do one final call. Final call for Sam Webb. Okay, no. Thank you. Joseph Luppino.

JOSEPH LUPPINO: Let's see if I can fit an hour in the time.

REP. LINEHAN (103RD): We appreciate it.

JOSEPH LUPPINO: I will say that I wish this Committee could have concluded its testimony after those two presenters, because I think that's precisely the kind of thing that this Committee is supposed to be working on.

That being said, I recognize I'm also the last speaker and I'll try not to take up too much time. I have hacked my oral statement to death, so you'll have to indulge me as I kind of work my way through it. My apologies for that. My name is Joseph Luppino. I'm the Head of Public Affairs for Red Bull North America, and I thank you for the opportunity to speak this afternoon. On behalf of Red Bull, we wish to register our strong opposition to H.B. 5141.

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As an advocate of science and fact-based policy making, Red Bull has a long history of collaborating with legislative and regulatory authorities to ensure the lawful marketing and safe consumption of our products. Our written statement provides additional detailed information on the background and safety of energy drinks, as well as the marketing commitments made publicly and adhered to by Red Bull and other mainstream energy drink companies in the United States through our National Trade Association, the American Beverage Association. I encourage you to take the time to read it. However, I would like to take the time to highlight just some key facts as they are relevant and very fact-based.

Energy drinks are safe. The underlying presumption of this bill is that they are not. However, energy drinks have been sold for over 30 years and they are available in more than 170 countries around the world. Every reputable health and food regulator has concluded that energy drinks are safe. Each of those regulators have the ability to recall these products, and if they were unsafe, they would so.

American teens get more caffeine on a daily basis from coffees and teas than energy drinks. This is a fact, and it's an important one, when considering overall caffeine intake. Energy drinks are actually the single smallest contributor to average daily caffeine intake of all beverages for all age groups, whether that's children or adults.

According to data compiled by the U.S. federal government, 12 to 18-years-old get three percent of their average daily caffeine intake from energy

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drinks. Teens are no different than adults when it comes to how their bodies metabolize caffeine.

According to the European Food Safety Authority, which did an exhaustive analysis of caffeine in energy drinks, and issued its most recent report in 2015, "The single doses of caffeine considered to be safe for adults may also be applied to children because the rate at which children and adolescents process caffeine is at least that of adults." In other words, there is no scientific basis for distinguishing between children and adults when talking about caffeine consumption or caffeine metabolism.

Energy drinks have far less caffeine than most Americans believe and much less than most popular coffees and teas.

REP. LINEHAN (103RD): Thank you very much for your testimony.

JOSEPH LUPPINO: Yes, ma'am.

REP. LINEHAN (103RD): Are there any questions? Representative Kokoruda.

REP. KOKORUDA (101ST): Thank you for coming. I remember you from like last year.

JOSEPH LUPPINO: Yes, ma'am.

REP. KOKORUDA (101ST): And thank you for waiting here all day. Obviously you -- you were here when we heard these incredible testimonies from the families that have lost children. And could you just respond to that? What -- I mean, obviously you've heard this before -- before today. Could you just respond and give us your thoughts on what you -- what's your response to their concerns are?

JOSEPH LUPPINO: Directly, as far as the response to their concerns, I think it's obviously incredibly unfortunate that there have been individuals and families that have been confronted with deaths of children or family members, and there may or may not be some kind of an association with caffeine. I can honestly tell you that there is not a single incident, any of the incidents that were cited today or any incidents that I am aware of, which are pretty much most of the others that have been referred to today, that in fact, an energy was attributed as the cause of death in that particular individual's situation.

REP. KOKORUDA (101ST): You know, one of the things with caffeine, people respond to caffeine differently.

JOSEPH LUPPINO: Yes.

REP. KOKORUDA (101ST): I mean, if I have one caffeine after 11 o'clock, I'm in trouble that night. My husband can have a big cup of coffee right before he goes to bed and sleep like a baby. When my children were younger, which was a long, long time ago, do you know they would actually tell you to give your active -- overactive children caffeine to calm -- to calm them down? They actually used to believe that.

JOSEPH LUPPINO: Yes. Actually, several people made comments today about Attention Deficit Disorder and actually one of the most prescribed things for individuals with Attention Deficit Disorder is caffeine.

REP. KOKORUDA (101ST): And I remember one of my sons just having a very hyper time and I do remember

the school nurse, I was, you know, a young mother, now this is going back quite a [laughter] long time ago, but telling me to give him caffeine. I -- I couldn't believe that she was telling me to do that. But I guess that's -- that was very -- I don't know. We've come so far with -- you know, I -- I know a gentleman that can drink three or four of those a day, and I keep thinking like, that cannot be good for you to have that kind -- that much caffeine or whatever in your body. Do you have any kind of guidelines about how much people should really drink per day or any cautions or anything on your cans?

JOSEPH LUPPINO: I mean, several people made several references during the course of the afternoon. But the FDA, obviously, is the -- is the regulator in the U.S., suggests that moderate caffeine consumption is around 400 mg of caffeine per day. Now, if you put that into some kind of a context for anyone in this room that actually drinks a large, like, Starbucks coffee in the morning, that's over 400 mg of caffeine. So, you would argue that somebody has already exceeded their moderate threshold for the day by just consuming that one beverage.

But as I believe you just said it, and I believe that Dr. Adamson said it as well, it is, in some respects, also a very individual thing. People metabolize caffeine differently. To be perfectly candid with you, I am on the very caffeine-naive side of the ledger, if you will. I don't drink a lot of caffeine. And so, when I do consume caffeine -- caffeinated products, I respond probably different than a lot of other people would who drink it on a more regular basis.

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But as far as a safety level or an unsafe level, I can tell you what, again. clinical toxicologists and what the scientific community says. And scientific community basically says that it would take essentially one gram or 10,000 mg of caffeine to reach a toxic dose. Now, there is nothing on this table that is even close to that. I think the highest thing here is this and that's got about 200 mg of caffeine.

I can tell you that I bought this online and this is caffeine tablets and there's enough caffeine in here to kill three -- three people. You can buy this online for less than \$10 dollars. But the products that are out there, there's not a single product on the market. You would literally -- you would drown in the liquid of mainstream energy drinks, you would literally drown in the volume of liquid before you reach the toxic level of caffeine.

REP. KOKORUDA (101ST): All right. And then, I just have two more questions. One is, you heard testimony today about how it looks and appears that -- that many of the energy drinks, I'm not just specifying Red Bull, but the energy drinks, it looks like they're being marketed to children. Just the way they're -- the -- the whole campaigns are designed and the packaging and all. Could you respond to that?

JOSEPH LUPPINO: I'm not going to be able to respond for companies other than Red Bull. I -- I did want to actually put two things on the record to clarify the record. because earlier there were two specific comments made about Red Bull marketing activities that were not, in fact, Red Bull activities. And there was one around Red Bull marketing to

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individuals as low as I believe it was the fourth grade or 12-years-old. And Red Bull does not do that. And I want to make sure that that's in the record.

Similarly, there was a reference made to a Red Bull skate park and listing I believe it was again something in the neighborhood of 14-year-olds to participate in that event. That was not a Red Bull event. I went back and actually double checked the testimony of the students who spoke and even they didn't reference it as a Red Bull -- as a Red Bull event. So, I just wanted -- I want to be clear about that.

Our marketing demographic is -- is precisely where we budget our -- our marketing dollars and precisely where our consumers are. We market primarily to 18 to 35-year-olds. We market with a slight skew, I would say male to female, let's call it 60 percent/40 percent, 55/45. But our targeted demographic is -- is 18-year-olds to 35-year-olds.

And someone asked earlier as far as what, you know, if this isn't such a big deal, then -- then why are you concerned about it or, you know, what kind of impact is it going to have on your business? And I would respectfully suggest that when you're -- when you're telling 14 or 16-year-olds and when you're telling parents of 14 or 16-year-olds that these products are inherently unsafe, then by nature when they're 18 or 19 or 20 or frankly 30 or 35, whether they are young adults, parents, or a combination thereof, you are essentially creating an environment that says that these are inherently unsafe products.

Unlike tobacco or alcohol, energy drinks are not unsafe. They may not be the healthiest product in

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the world, and if we're sitting here talking about what's healthy for kids and unhealthy for kids, I think that would be an interesting conversation to have. But what we're sitting here talking about is whether these products are unsafe and they are not.

REP. KOKORUDA (101ST): Thank you. And then, my final question, I think I -- I could get it mixed up with another bill today, but I believe we heard about some medical associations really coming out opposed with concerns for children. I don't know if it was American Pediatrician Association, whatever, but are you aware of that or have you ever worked with any of the medical groups with your -- with Red Bull?

JOSEPH LUPPINO: I actually used to work for the American Medical Association. So, but specifically there was a comment made about the American Association of Pediatrics. I do know that the American Association of Pediatrics has guidelines that suggest that children shouldn't consume caffeine. I think any -- any of us in this room would, you know, suggest it's not really something that children necessarily need.

But at the same time. what they've said, I believe, is that, and it is somewhat in line with the comment that was made earlier about the fact that caffeine is more about body weight and -- and -- and you know, body composition than it is about age. But I think that they basically said that young people should try to avoid consuming more than 80 to 100 mg of caffeine per day. That's the one that I'm particularly aware of.

REP. KOKORUDA (101ST): Okay. Thank you.

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JOSEPH LUPPINO: Thank you.

REP. KOKORUDA (101ST): Thank you, Madam Chair.

REP. LINEHAN (103RD): Representative Hayes.

REP. HAYES (51ST): Thank you, Madam Chair. Do you have, excuse me, do you have any kind of estimate or guess of what percentage of the market would be under 16 for Red Bull?

JOSEPH LUPPINO: Well, I can say for Red Bull, I know it's single digits. I can't tell you precisely what those digits look like, because we don't have that clear line of sight into retail. But I can tell you that just broadly speaking, you know, when -- when we do talk to retailers about what kind of consumers are purchasing our products, it -- it's low single digits.

REP. HAYES (51ST): Okay. And I guess, my next would just be a comment. And I have a theory that the term energy drink is the problem. Because I'm seeing, you know, adolescents that are thinking the more they drink, the more energy they're going to have. And I think -- I think that's an issue from my perspective and what I'm seeing.

JOSEPH LUPPINO: Yeah, I think that's part of it. I mean, you know, you've got a product like this, it's not enough to be coffee but it's energy coffee. That's how they bill themselves. And if you read the back of their -- their container, it goes into how it's got more energy because it's got more caffeine.

You have a product like this, which is called Game Fuel, this would be exempt from your bill, as a matter of fact, but this is a -- you know, it says

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alertness, accuracy, and vitamins A & B. But this would be exempt from your bill, even though it's -- it's obviously positioned and marketed as an energy drink. You've got organic energy over here, Super Fruit with natural caffeine, green tea, yerba mate, and guarana, which the Chair had mentioned earlier as the sources of caffeine. It cites precisely how much caffeine is in here, it's called Steaz Energy, but it would be exempt from your bill.

And so, I guess the question becomes, and that's, I mean, frankly, why I've said that the bill is discriminatory, because there's really no rhyme or reason as to what products are in and which are out.

This is -- this is six products out of probably 80 to 100 that are sold in a grocery store. I just randomly picked them the other night when I was over at Stop N' Shop. And it's -- you know, I could bring the whole 100 [laughter]. And we could have a conversation about that, we could fill the table.

But it's like, I mean, you know, our threshold question is precisely why is -- why is Red Bull in the bill? Why of all things is V8 Energy in the bill? And then, these products are out as well as a whole raft of other products that are being sold right along them in the -- in the grocery stores and in the convenience stores.

REP. HAYES (51ST): And I'm seeing -- I'm seeing a lot of this product in gyms and weight rooms and that's the concern I have is if a 14 -- 13, 14, 15-year-old going into a weight room, trying to get ready for football, and, you know, they -- they're going in there with the theory that the more of this stuff they drink, the more -- the more energy they're going to have and the more -- the more

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they're going to do in the weight room, the better they're going to get stoked up for football.

JOSEPH LUPPINO: Yeah. I'm not -- I'm not going -- I'm not going to sit here and suggest that you're -- you're never going to go into a -- a fitness center or something similar in the United States and not find a Red Bull or find an energy drink. But I do know, from my own experience, frankly that, you know, most of the time what I see are products that aren't really considered to be energy drinks, they're considered to be supplements, they're considered to be proteins, and these amino acid products and things like that, that are more geared towards that. The other thing is, quite honestly, I mean at least, I know in my gym, we don't allow 14-year-olds in. We don't allow 16-year-olds in. So, you know, I'm not sure exactly. I mean, and if -- and if it's a school gym, to be perfectly candid with you, it's on a voluntary basis, but there's not a single energy drink company in the United States that sells their products in schools.

REP. HAYES (51ST): No. And I wasn't suggesting that they were. I'm thinking of the -- the group that gets together before they go to football practice or --

JOSEPH LUPPINO: Sure.

REP. HAYES (51ST): -- before they go to the gym and they stop at the convenience store. And they get a couple of cans of the energy drink, thinking it's going to help them at practice.

JOSEPH LUPPINO: Yeah. And you know, that's obviously something that -- that's potentially out there.

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REP. HAYES (51ST): Thank you.

REP. LINEHAN (103RD): Uh -- Representative Kokoruda. I'm just kidding, she's one of my favorite people. Representative Kokoruda.
[Laughter]

REP. KOKORUDA (101ST): Thank you. Just some -- well, is it caffeine content is making the ones that are in the bill and ones that aren't?

JOSEPH LUPPINO: It's the caffeine content. I, frankly, don't know if it's here or not, but there's one that -- that exceeds the level for the -- the bill, but doesn't have vitamin B, it has vitamin C, so it would be exempt, obviously, because it doesn't have one of the ingredients that are -- that are listed for the bill. It's -- it's, you know, how -- how you categorize. I mean, this has -- again, this has vitamin D, not vitamin B, so this would be out. It's -- it's how the bill is drafted. Basically, the bill is drafted in a way that says, if you have 8.88 mg of caffeine per ounce, you're in, and then you have to have these other things. But there's your caffeine threshold. And so, this product is 8.33, so it's one-half of a milligram per ounce less than the number that you need. So, [cross talk].

REP. KOKORUDA (101ST): It would not be in the bill?

JOSEPH LUPPINO: Right. Again, that's why we're suggesting that it's -- it's a rather arbitrary approach in definition. There was a comment made earlier today by the Convenience Store Association about an education campaign. Red Bull has been pushing for a national caffeine awareness education campaign for over five years.

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The dietary guidelines for Americans 2020 Edition is due to be out 2020, by the end of this year, early next year at the latest, and we are, again, advocating for a caffeine awareness campaign. Because the average American consumer doesn't understand how much caffeine they're actually consuming, what is a safe or moderate amount, what is, by extension, an unsafe amount. And we think that Americans would benefit greatly by having that kind of information.

You may or may not recall 2010 guidelines for the first time ever. They used the kind of graphics to kind of say the equivalence of five ounces of wine, one and a half ounces of distilled alcohol, and 12 ounces of beer or a malt product are essentially equivalent. Like, we've -- we've encouraged like a similar thing to be put into the guidelines to help consumers understand that it doesn't matter whether you are drinking that Starbucks product or a Red Bull product or a -- a caffeinated soft drink, you know, here's the essential equivalence context.

I -- I couldn't help, but I'll say laughing, it wasn't laughing in a bad way, but when the student group was standing over there and at one point some of the kids went out to get something to eat or drink, and I looked over at one point, and there was a young girl and she was just finishing chugging that 16-ounce Diet Coke and her head was straight back and I watched that water cooler with the rest of it going down her throat. And I said, I wonder if her mother realizes that actually has more caffeine in it than this Red Bull does. And I would suspect that she doesn't. And it was perfectly fine to do it right in the Committee room.

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And I just don't understand what the rationale is behind this bill that we are, in fact, singling out a very, very small percentage of products that contain caffeine, and even potentially other ingredients, although they're benign, frankly in the product, other than providing a particular benefit of some sort. There's no synergistic effects, is my point. So, I don't know the answer to that.

REP. KOKORUDA (101ST): I was -- I was always surprised about Mountain Dew and someone mentioned today Mountain Dew and Dr. Pepper have caffeine in it which --

JOSEPH LUPPINO: Mountain Dew --

REP. KOKORUDA (101ST): -- I never knew that.

JOSEPH LUPPINO: -- was my -- I'm probably older than a lot of --

REP. KOKORUDA (101ST): It was a southern thing --

JOSEPH LUPPINO: -- most of the people --

REP. KOKORUDA (101ST): -- [cross talk].

JOSEPH LUPPINO: -- in this room. Mountain Dew was my energy drink back when I was in college. There was no such thing as an energy drink. So, every morning -- I actually worked in the cafeteria. I was the first guy up. I was the guy that cleaned up after everybody else. And I drank Mountain Dew like it was going out of style after Friday night out. Thank you.

REP. LINEHAN (103RD): Thank you, Representative. So, I -- I have a few questions, then. So, you're not necessarily, I just want to get it straight, you're not necessarily opposed to the idea? It

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sounds like you're opposed to Red Bull being singled out, so -- or what you think is being singled out. So, if we widened the birth of the bill and -- and have more -- have a better way to -- to decide what falls under this umbrella, you would be supportive?

JOSEPH LUPPINO: I don't think I can go that far certainly without really having a better understanding of what you're talking about. I will go back to what I said first, which is the products are inherently safe in the first place. So, I think that probably you and I are coming two -- two different points of views [cross talk].

REP. LINEHAN (103RD): Well, we absolutely are.

JOSEPH LUPPINO: Right.

REP. LINEHAN (103RD): But -- but you did point something out to us that there is a concern with the way it's drafted, because I would like to have more things under the umbrella than just single out Red Bull. Because I believe that there is some absolute health concerns. And the testimonies today has proven that, you know, not just from the students, not just from the parents who lost their children to energy drinks, which was -- they had death certificates in the morgues to -- to show that -- that was a significant cause in their children's death, but we also heard from our own Committee member who is a physician, who has seen it firsthand.

So, I -- I would love to get to a point where you and I can sit down and -- and we can talk about everything that needs to be put into this bill to get to where I want it to be. Therefore, we wouldn't be singling out Red Bull, instead we'd be

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talking about this as a whole, and put in that -- that community outreach information campaign. You know, we had a -- a very similar contentious public hearing last year regarding our vaping bill. And -- and this year, I reran part of that vaping bill that wasn't put into Tobacco 21, and we just got testimony from JUUL applauding it and supporting it.

So, I think that we need to come to that agreement, the way -- the same way that we did with JUUL. And -- and, you know, I recognize that you say a small market -- a small part of your market share are young people. I recognize that you say that -- that, you know, you don't try to market to kids. And I have a photograph on my phone right now of a 5-year-old playing a videogame at Dave and Busters, where it's a racing game where everything is -- the -- the sidewalls all say Red Bull. And anyone on the Committee, or even if you would like to see that, I'm happy to show you.

JOSEPH LUPPINO: I'm -- I don't need to see it to believe you. Frankly, I never played a pinball game until I was over the --

REP. LINEHAN (103RD): It's a videogame.

JOSEPH LUPPINO: -- legal drinking age for alcohol.

REP. LINEHAN (103RD): It's not a pinball game. It's an actual racing videogame and I have -- my youngest child is 7, and he's been playing videogames for years. {Laughing} So, --

JOSEPH LUPPINO: Okay.

REP. LINEHAN (103RD): -- it's a different world that we live in. So, it's -- I believe it's proof positive that Red Bull does market to kids. And you

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had stated earlier that your concern about this bill is that we're teaching people that it's dangerous, even if it's just dangerous for kids, but your concern is that you won't get that market share when they're 18. So, you know, it all seems to be a little unbelievable in some -- in some points. However, you are here making some very good points. And I would like this bill to be as strong and comprehensive as possible.

So, I would extend to you the invitation to come and sit with myself and our LCL lawyer to go over ways that we can widen the umbrella and not single out Red Bull, so that people can't buy other energy -- kids can't buy other energy drinks just not Red Bull. Because I see that problem, and I would like to fix that.

JOSEPH LUPPINO: If I could just respond to two things that you said --

REP. LINEHAN (103RD): Sure.

JOSEPH LUPPINO: -- since they're -- they're -- they're relevant? First and foremost, I -- I -- obviously don't work for JUUL, but I can understand why they would be sitting and trying to work something out with you, because they recognize that nicotine is inherently addictive and their product contains nicotine. Our products contain caffeine. Caffeine is not inherently addictive. Our products contain caffeine and caffeine is not inherently dangerous for kids, which is what you just said. So, -- so, we are coming from a different point of reference, because it's not that Red Bull doesn't believe our products aren't dangerous, it's that our products are not dangerous. We -- we -- we are consistently told by health regulators, those who

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regulate the products that we produce, that our products are safe to be sold and consumed by the people that purchase them and consume them.

REP. LINEHAN (103RD): What about the congressional or rather the Senate -- I don't know what it was called.

JOSEPH LUPPINO: It was a Senate Investigations Committee on the Marketing of Energy Drinks --

REP. LINEHAN (103RD): There you go.

JOSEPH LUPPINO: -- to Children. I'm very familiar with it. [Laughter]. I was in the room when it happened. So, yeah.

REP. LINEHAN (103RD): And so, that information states that caffeine is inherently addictive and it's dangerous to children.

JOSEPH LUPPINO: It -- it did not state the -- the -- the prior and it presumed the latter. It didn't -- it didn't do anything other --

REP. LINEHAN (103RD): Okay. So, --

JOSEPH LUPPINO: -- than make that presumption. I mean, with all due respect, Senator Richard Durbin from Illinois, put a poster up about, I think it was 3-foot by 5-foot with a mockup of what's called the Red Bulletin, which is a Red Bull publication. And he suggested that it was a proof positive that we were marketing children because there was a young person on -- on the front cover. And he submitted it as -- as an official part of his testimony in front of the Committee.

REP. LINEHAN (103RD): Well, I --

JOSEPH LUPPINO: And -- and --

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REP. LINEHAN (103RD): -- could submit this --

JOSEPH LUPPINO: -- the Committee --

REP. LINEHAN (103RD): -- photo. I think but that's not necessarily --

JOSEPH LUPPINO: If I could just finish my sentence, Madam Chair. The mockup was in fact a mockup. Wherever it came from it was never a cover of the Red Bulletin. So, that being the suggestion to suggest that marketing is inherently there is -- is frankly a lie. And quite honestly, some of the people who testified today, and I'm not going to sit here and call them out, I would be happy to have individual conversations with whoever's interested, but they misrepresented a lot of truths, a lot of truths. And I will be happy to have conversations with anyone to clarify those, and then leave it to you to go back and look for yourselves. I'm happy to do that.

REP. LINEHAN (103RD): Well, the -- the invitation I'm extending to you is to talk about ways that we can write the legislation to help the convenience stores to understand exactly what we're talking about and -- and make sure that we're including some of these other drinks so that we can get to where we, the Committee, believes that these are dangerous for children. If you -- if you -- if that's not something you want to partake in, I understand that. But the -- the invitation still remains.

JOSEPH LUPPINO: I appreciate that. You will recall we had an opportunity to meet last year. We offered to sit down with you and talk about the bill. Obviously, that didn't get off the ground. Again, I'd be happy to -- to have another conversation with

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you and LCL or whomever else you believe appropriate as long as we're both clear, obviously, and I know where you're coming from, and as -- as you know where I'm coming from; these products are not inherently dangerous and we would not suggest that they are.

REP. LINEHAN (103RD): It is very clear that that is your opinion. Are there any other questions? Hearing none, thank you very much.

JOSEPH LUPPINO: Thank you. You all have a nice evening.

REP. KOKORUDA (101ST): You, as well.

REP. LINEHAN (103RD): We're in the home stretch with our final two. We have Ann Manusky, followed by Reverend Holloway.

ANN MANUSKY: Shall I say good evening? Chairmen Linehan, Moore, Vice-Chairs Comey, Anwar, Ranking Members Green, Kelly, and members of the Committee on Children, I'm here to talk about two bills. One, that is H.B. 285 in support of the -- the law on STUDENT INFORMATION COLLECTED THROUGH COLLEGE ADMISSIONS EXAMINATIONS. My name is Ann Manusky, and I'm a member of the Connecticut Republican Assembly. I'm also a -- the Connecticut Coordinator for Child Abuse in the Classroom, and also worked with the other three women for Student Data Privacy back in 2016. So, I'll try to keep it short.

But basically, our children are taking tests for colleges and we don't know all the information that is being provided to third parties after it goes to the College Board. We are concerned with the fact that surveys are being done. I don't know at what point these surveys are given. They are now giving

the -- or the PSATs in 8th and 9th grade, as well. So, there's -- there's schools in the state of Connecticut that are giving PSATs then. So, I don't have that breath of information, but I hope that you can -- my testimony will have you look into some of these things.

My concern as a parent, I have a senior in high school who did not take the ACT, did not take the SAT, he took the CLT, so I would also like to know -- let people know that there are other entities called the Classic Learning Test. And it's specifically an academic achievement test. I think some of it came out of the Iowa's, if you are -- you -- okay. [Laughter] The -- when my son took those tests, we received no additional information. Where his brother and others who did take ACTs, you do get a tremendous amount of material from colleges. You do get -- I know my oldest son did get a couple of applications for credit cards. So, somehow, if we can safeguard our children, we want them to go to college. We want them to be able to have opportunities, but it is not just with the College Board and some of this bill I believe was part of what we tried to pass in 2016. Any questions on that? Okay.

REP. LINEHAN (103RD): Well, go ahead and finish.

ANN MANUSKY: Okay. And then the other one is in -- I was writing testimony in regard to opposition of the ROLE OF BIRTH-TO-THREE SERVICE PROVIDERS AT PLANNING AND PLACEMENT TEAM MEETINGS, and I'll tell you why. I -- I wrote all over my testimony.

But my concern is again with data. My concern is that our special education children are getting what they need. And IDEA, our federal laws, I think

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provide a good tight way for the information to be passed on to schools. I don't necessarily see that planning and placement teams would have to go into the schools, that would be put into law for this purpose.

REP. LINEHAN (103RD): Thank you very much. I -- I appreciate that. I do have a question for you. Do you know if all student testing done by outside groups are subjected to this information sharing or is it -- because you just -- you just got in my head here? As we're talking about the SATs, PSATs, the LSATs, and my kid today at school was taking the LSATs. So, does that information go anywhere? I don't know. Do you know?

ANN MANUSKY: Does that information?

REP. LINEHAN (103RD): Yeah. So, -- so, information about my child when they take the LSATs. I mean, I don't know if then, how that is subjected to privacy. I don't know if you know either or I'm just -- it's just something I'm thinking out loud.

ANN MANUSKY: Well, we -- we have the data that goes to the state to the -- to the P20 Win database. Those of us who have --

REP. LINEHAN (103RD): But that can't be sold or shared; correct?

ANN MANUSKY: I -- I can't confirm or deny of that. I'm not in --

REP. LINEHAN (103RD): I'm going to look into that. So, thank you.

ANN MANUSKY: I -- I am concerned with other people nationally looking at what is going on in China and actually the data collection and determination on

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whether or not you can go and visit a relative. You can do things -- as a matter of fact, back in like -- backing up a little bit, but my testimony, I believe, in 2016 or '17, had to do with the fact that there was a preschool child who bit his Pop-Tart into the shape of a gun. I don't know if you remember that. And it was great concern because that child is 5-years-old. And that is within the developmental ability or whatever for a child to do strange things, we call strange thing. But that should not have any data collected to that. So, again, I'm very concerned about the data, our freedom of our children, and that this -- surveys, I think the -- the -- the word of -- the word survey is the point where that's not part of the college test, it's additional information. So, that could be how things were channeled on this.

REP. LINEHAN (103RD): Thank you very much for that. Are there any questions from members of the Committee? Hearing none, thank you very much. Thank you for sticking it out until the end.

ANN MANUSKY: Thank you.

REP. LINEHAN (103RD): Reverend Holloway, please.

REVEREND HOLLOWAY: Wow, I know you're glad I'm the last person. [Laughter] Good evening. I'm Reverend Holloway. I wish I can say that I can remember everybody's name, but I can't. But I do want to respect everybody and their positions and what they do, the Chair, Co-Chair, and everybody that's here. I'm very emotional because of that young man. I am him. I'm him. That's why I advocate the way that I do. And I'm also a foster parent. And I was a foster child. And my 52 years on this earth has been very interesting.

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And I'm going to tell you, DCF is your problem, and I can say that, because I also run a food pantry, and I had a young lady that was a victim of human trafficking. Very intelligent young lady. When I first got her, it was almost like they were selling her. They was trying so hard to offer me the \$2000 dollars to take her, that they didn't realize in the first two minutes that I already said, yes. I met her in an institution, and when I looked down, I looked at her underwear and it was like, she's skinny. I'm a big girl. I can fit into those that she had on. And I said, well, where's her shoes, she got on sandals. Because I'm an advocate and I'm a street pastor, these are things that we look at. And what I found was the medication that they had her on was something that you would give a veteran. I still got her at home. I can actually bring her to you.

And when, I began to realize the young lady didn't spoke -- she spoke street English, but not English. She was from Puerto Rico. And then, I told my daughter, do me a favor, play hangman with her so that I can get a -- see what her vocabulary was. So, come to find out the young lady was a chemistry major. So, you know I wasn't playing hangman with her. But what I learned was, she needed IEP. It took DCF four and a half months to get her IEP. They couldn't get it, so I told her, I'm coming to your school, don't be alarmed, you didn't do anything wrong.

And when I walked into the school, what took them four and a half months to get, took me two hours. I -- I didn't understand that. Then when I found out that she was actually a victim of human trafficking, I asked them if it -- if she's from

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Hartford and she's a victim of human trafficking, why is she going to school here? Why shouldn't she go to school in Meriden? That's just common sense 101. You don't send a victim back to where their -- the person that's her victim lives.

So, she ran away, long story short. She ran to Puerto Rico, because they were going to put her back in the institution. But I took her to the hospital because her heart was racing, and you could see her heart. So, the doctors, it's on record, said to me, Reverend Holloway, if you give her this medicine and it kills her, do you think DCF is going to bail you out? And I said, how bad is it? He said, I wouldn't give it to her.

So, they snatched my license, because, you know, I fight for kids. I don't care who -- who's kid it is. And so, the girl is somewhere, I don't know where she is. Every now and then, she gives me a call. And I'm going to tell you this, I've dealt with a lot of kids with DCF and a lot of them stay in my house when they don't have a place to stay. We have to fix this. This is wrong. It's wrong. And my heart breaks because that's me. Every time I see them, I see me.

And in my story, I was molested in a home, the father tried to go with me, the grandfather. And there was nobody to tell. And when these kids get 18, by the way, the way I got out of ACS in New York, I went to court one day, and they said my case was dismissed, go home. I got no counseling, no anything. If it wasn't for the ladies in the community coming together and saying, no, we got to help this kid, I would have been really screwed. That's why I'm 52 with 29 years in recovery, do the

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math, that means I started young. We can't let this happen to our babies. These are tomorrows.

REP. LINEHAN (103RD): I thank you so much for your testimony. And this Committee is absolutely committed to doing the best thing for our kids. And I think we demonstrated that when we're leaping up, trying to get Kai the help that he needed, and I think that we're well on our way. But your point is so well taken, that it's not just for one kid, it's for all kids. And so, I very much appreciate your testimony on that. And I -- and I thank you for waiting all day.

REVEREND HOLLOWAY: {Laughter}.

REP. LINEHAN (103RD): And I appreciate that so much. Are there any questions from the Committee?

REVEREND HOLLOWAY: I do want --

REP. LINEHAN (103RD): I think that you left us with a -- a really wonderful thought and a reminder of why we do what we do.

REVEREND HOLLOWAY: I'm going to tell you, I -- I smiled at him coming in and, I said, one day, I didn't know what he was going through, I said one day, your story will lift up somebody else. And I tell kids all the time when they tell me, I'm in foster care, and I laugh, I said, me too, but ain't no excuse for you to be cutting up in school. And they look at me, you was in foster care? I said, you can make it. You can pull yourself up. There's many people that'll help you. But I do want to commend you. Because my daughter drank one of those energy drinks [laughter] and she was hyper as heck, and I was like, what the heck? And then, she showed me it was an energy drink.

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REP. LINEHAN (103RD): It is bad for you.

REVEREND HOLLOWAY: And I had to laugh when I was sitting there, because guess what, you can buy it in the dollar store. They got 'em in little bottles now. Now, you don't --

REP. LINEHAN (103RD): I didn't even know that.

REVEREND HOLLOWAY: Yes. It's called 5-Hour Energy.

REP. LINEHAN (103RD): What, 5-Hour Energy? Oh, my, God.

REVEREND HOLLOWAY: And by the way, you do know you sell 'em in the machine outside; right? [Laughter]

REP. LINEHAN (103RD): Are you serious?

REVEREND HOLLOWAY: Yes.

REP. LINEHAN (103RD): But they're adults.

REVEREND HOLLOWAY: But guess what? We had all those kids and all those teenagers here with vaccines and everything and guess what they could have done? Walk right to that machine and bought 'em.

REP. LINEHAN (103RD): Yeah. I have a giant problem with that. So, at the very least, I'm going to talk to OPM and -- and -- and --

REVEREND HOLLOWAY: But I do want to say thank you.

REP. LINEHAN (103RD): That's my next battle. You have --

REVEREND HOLLOWAY: I want to say thank you.

REP. LINEHAN (103RD): You have given me renewed strength.

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REVEREND HOLLOWAY: I want to say thank you.

REP. LINEHAN (103RD): Thank you.

REVEREND HOLLOWAY: For all the people like Kai, that maybe they'll get the help that I should have gotten. [cross talk]

REP. LINEHAN (103RD): And thank you for doing that for them, too.

REVEREND HOLLOWAY: Yes. Those are my babies. You're going -- you're going to prevent -- if you get on DCF now -- my mother used to say an ounce of prevention is worth a pound of cure. And if we fix them today, they won't be tomorrow's headache. My motto is, to build boys and girls today, so they don't be tomorrow's headache. And it's easier to -- what she said to me, actually David Eagan said, the big ones is the responsibility of helping the little ones. So, it's our job, because they're our future senators and lawyers. And God help us if we don't fix it now.

REP. LINEHAN (103RD): You're right. Thank you.

REVEREND HOLLOWAY: Yeah.

REP. LINEHAN (103RD): Great. Thank you so very much. Is there anyone left that would like to testify? It seems that we are in an empty room. Thank you all so much. Thank you to each of the Committee members who were here for the long haul. You guys win A+ legislators of the day award. And you spoke, twice, three times. Okay. Thank you all. We are adjourned.