Agency Legislative Proposal - 2020 Session

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State Agency: Department of Consumer Protection
Liaison: Leslie O'Brien **Phone:** 860-713-6208 **E-mail:** leslie.obrien@ct.gov
Lead agency division requesting this proposal: Investigations and Licensing Divisions
Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Licensing and Enforcement
Statutory Reference: CGS Sections 20-281k, 20-500, 20-529, 20-529b, 20-295b, 20-292, 20-453, 20-457, 20-458, 20-460, 21a-190f, 21a-190l, 43-8a,21a-2, 21a-7, 21a-8, 21a-10, 21a-11, 51-164n, 20-672, 20-677, 20-330, 20-306, 20-314, 20-317, 20-319, 20-427, 21-67, 20-678, 20-281c
Proposal Summary: **Section 1** amends CGS Section 20-18k(c) to require that accountants retain records for at least seven years, unless federal law requires a longer period of time. **Sections 2, 3, 4 and 5** revise CGS Sections 20-500, 20-529, and 20-529b to adopt the recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, in order to comply with the Uniform Standards of Professional Appraisal Practice, based on their audit of Connecticut General Statutes. The recommendations include revising the definition of appraisal management company (AMC), disclosure of all owners in AMCs, changing continuing education (CE) fee to annual and prohibiting ownership of an AMCE by a person whose appraiser credential has been suspended or revoked in another state. **Section 6** amends CGS Section 20-295b to allow for architects to do interior design work without having to apply of interior design credential (currently, they do not have to pay for the credential). **Section 7** revises CGS Section 20-292 to create fees for architects who fail to take the mandated continuing education requirements. **Sections 8, 9, 10 and 11** make technical changes to CGS 20-453, 20-457, 20-458, 20-460 to address drafting errors identified when working to implement sections 19 through 27 of PA 19-177 which amended the community association manager statutes. **Sections 12, 13 and 14** amend CGS Sections 21a-190e, 21a-190f and 21a-190l of the charitable organization statutes to increase the bond amounts required from $20,000 to $50,000 for fundraising counsel and paid solicitors, restrict contracts with paid solicitors to five years, and

remove restrictive language about when the Commissioner may receive an assurance of voluntary compliance.
Section 15 updates CGS Sec. 43-8a to delete an obsolete reference to the National Institute of Standards and Technology (NIST) Handbook 130.
Sections 15, 17, 18, 19 and 20 revise CGS Sections 21a-2, 21a-7, 21a-8, 21a-10 and 21a-11 to amend several DCP licensing and enforcement statutes to streamline the timing of continuing education requirements so that the completion dates are at least 3 months prior to renewal of a license, addresses notice requirements, clarify what adequate notice is when provided by the Department, and allow for the Commissioner to assess fines and to place conditions on credentials.
Section 21 amends CGS Section 51-164n to incorporate the centralized infractions bureau language incorporated in Public Act 19-3 that granted the Department of Consumer Protection authority to issue tickets for $250.
Sections 22, 23 and 24 amend Sections CGS 20-672 and 20-677 and add Section 20-681 to make changes to the home companion agency (HCA) statutes to prohibit owners of HCAs or direct caregivers from also serving as a power of attorney for a patient, except family care; allow for HCAs to substitute insurance for bond requirements; and prohibit organizations with medical names.
Sections 25 and 26 amend CGS Section 20-330 and add Section 20-338d the occupational and professional licensing statutes to require the name and license number of technicians who perform work contracts and create standards for contracts.
Section 27 amends CGS 20-306 to clarify that a license is lapsed if not renewed prior to its expiration.
Sections 28, 29 and 30 amend CGS Sections 20-314, 20-317 and 20-319 to move the real estate broker renewal date to November, remove refundable license fee reference, and "registered or certified mail." Also changes continuing education fee to annual.
Section 32 changes “wilfully” to “willfully” in CGS Section 20-247(d).
Section 32 amends CGS Section 20-427(e) to establish a March 31st annual renewal date for Home Improvement Contractor Certificates.
Section 33 revises CGS Section 21-67 to allow for inspections of mobile home parks to be conducted throughout the year rather than just prior to renewal.
Section 34 amends CGS Section 20-678 to clarify that HCAs must run substantial background checks before hiring and/or placing a worker in someone’s home.
Section 35 amends CGS Section 20-281c to allow for those who have completed the necessary college credits, but have not yet graduated, to apply to take the accountancy exam.

PROPOSAL BACKGROUND

- ◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?

(3) Have certain constituencies called for this action?

(4) What would happen if this was not enacted in law this session?

To make clarifications, minor and technical changes and revisions to streamline the Department of Consumer Protection Licensing and Enforcement statutes.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?

(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?

(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?

(4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: None
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
None

State
None

Federal None
Additional notes on fiscal impact NA

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

NA

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. NA

Insert fully drafted bill here

Section 1. Subsection (c) of section 20-281k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

(c) [Nothing in this section shall require a licensee to keep any workpaper beyond the period prescribed in any other applicable statute] A licensee shall ensure that the work product and the work papers created in the performance of an engagement for a client are retained for a minimum of seven (7) years after creation unless the licensee is required by law to retain such records for a longer period, except that any workpaper prepared by a licensee in the course of an audit of a corporation the securities of which are registered under Section 12 of the Securities Exchange Act of 1934, as from time to time amended, or that is required to file reports under Section 15(d) of the Securities Exchange Act of 1934, as from time to time amended, shall be retained for the period described in section 33-1332.

Section 2. Subsection (3)(B) of Section 20-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Definitions. As used in sections 20-500 to 20-529e, inclusive, unless the context otherwise requires:

(1) "Appraisal" means the practice of developing an opinion of the value of real property, in conformance with the USPAP.

(2) "Appraisal Foundation" means the not-for-profit corporation referred to in Section 1121 of Title XI of FIRREA.

(3) "Appraisal management company" means any person, partnership, association, limited liability company or corporation that performs appraisal management services. "Appraisal management company" does not include:

(A) An appraiser that enters into a written or oral agreement with another appraiser for the performance of an appraisal, which is signed by both appraisers upon completion;

(B) [An appraisal management company that (i) is wholly owned by a financial institution subject to regulation by an agency or department of the United States government or an agency of this state, and (ii) only receives appraisal requests from an employee of such financial institution.] An appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a Federal financial institution regulatory agency. An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a Federal financial institution regulatory agency shall not be required to register with a State. For the purposes of this subdivision, "financial institution" means a bank, as defined in section 36a-2, an out-of-state bank, as defined in section 36a-2, an institutional lender, any subsidiary or affiliate of such bank, out-of-state bank or institutional lender, or other lender licensed by the Department of Banking;

Section 3. Section 20-529 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Registration of appraisal management companies. Fees. (a) No appraisal management company shall (1) engage or attempt to engage in business as an appraisal management company in this state; (2) perform or attempt to perform appraisal management services in this

state; or (3) advertise or hold itself out as engaging in business as an appraisal management company in this state without first registering with the Department of Consumer Protection.

(b) Each appraisal management company shall apply to the Commissioner of Consumer Protection, in writing, on a form provided by the commissioner. The application shall include (1) the company's name, business address and telephone number; (2) if such company is domiciled in another state, the name, address and telephone number of the company's agent for service of process in this state, and the Uniform Consent to Service of Process form to be completed by the company; (3) the name, address and telephone number of any person or business entity owning [ten per cent or more of] an equity interest, or the equivalent, of the company; (4) a certification by the company that no person or business entity named in subdivision (3) of this subsection has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state; (5) the name, address and telephone number of a controlling person of the company who will serve as the main contact for communications between the commissioner and the appraisal management company; (6) the name, address and telephone number of a compliance manager of the company; and (7) any other information the commissioner may require. Each such application shall be accompanied by a fee of one thousand dollars.

(c) Before issuing or renewing a certificate of registration, the commissioner may:

(1) Certify that each appraisal management company applying for a certificate of registration has procedures in place to (A) verify that a person being added to the appraiser panel of the company holds a certificate in good standing in accordance with section 20-509, (B) maintain detailed records of each appraisal request or order it receives and of the appraiser who performs such appraisal, and (C) review on a periodic basis the work of all appraisers performing appraisals for the company, to ensure that such appraisals are being conducted in accordance with the USPAP;

(2) Determine to the commissioner's satisfaction that each person owning [more than ten per cent of] an interest in an appraisal management company is of good moral character and such person has submitted to a background investigation, as deemed necessary by the commissioner; and

(3) Determine to the commissioner's satisfaction that the controlling person (A) has never had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any

state, (B) is of good moral character, and (C) has submitted to a background investigation, as deemed necessary by the commissioner.

(d) The commissioner shall issue a registration number to each appraisal management company registered in this state and shall publish annually a list of appraisal management companies that are registered with the Department of Consumer Protection.

(e) All certificates of registration issued under the provisions of this section shall expire biennially. The fee for renewal of a certificate of registration shall be one thousand dollars.

Section 4. Section 20-529b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Appraisal management company prohibitions and requirements. Payment to appraisers. (a) No appraisal management company applying for a certificate of registration shall:

(1) Be owned by any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state;

(2) Be owned by any partnership, association, limited liability company or corporation [that is more than ten per cent owned]in which there is an ownership interest by any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked in any state;

(3) Employ any person to perform job functions related to the ordering, preparation, performance or review of appraisals who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked; or

(4) Enter into any contract, agreement or other business arrangement, written or oral, for the procurement of appraisal services in this state, with (A) any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked, or (B) any partnership, association, limited liability company or corporation that employs or has entered into any contract, agreement or other business arrangement, whether oral, written or any other form, with any person who has had an appraiser license or certificate denied, refused to be renewed, suspended or revoked.

(b) Any employee of an appraisal management company or any contractor working on behalf of such company who has any involvement in the performance of appraisals in this state or review and analysis of completed appraisals in this state shall be certified and in good standing

pursuant to the provisions of sections 20-500 to 20-528, inclusive. This subsection shall not prohibit an individual who is not so certified from performing job functions that (1) are confined to an examination of an appraisal or an appraisal report for grammatical, typographical or clerical errors, and (2) do not involve the formulation of opinions or comments about (A) the appraiser's data collection, analyses, opinions, conclusions or valuation, or (B) compliance of such appraisal or appraisal report with the USPAP.

(c) Except in cases of breach of contract or substandard performance of services or where the parties have mutually agreed upon an alternate payment schedule in writing, each appraisal management company operating in this state shall make payment to an appraiser for the completion of an appraisal or valuation assignment not later than forty-five days after the date on which such appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.

(d) No employee, owner, controlling person, director, officer or agent of an appraisal management company shall intentionally influence, coerce or encourage or attempt to influence, coerce or encourage, an appraiser to misstate or misrepresent the value of a subject property, by any means, including:

(1) Withholding or threatening to withhold timely payment for an appraisal;

(2) Withholding or threatening to withhold business from, or demoting, terminating or threatening to demote or terminate, an appraiser;

(3) Expressly or impliedly promising future business, promotion or increased compensation to an appraiser;

(4) Conditioning an appraisal request or payment of a fee, salary or bonus on the opinion, preliminary estimate, conclusion or valuation to be reached by the appraiser;

(5) Requesting that an appraiser provide a predetermined or desired valuation in an appraisal report or estimated values or comparable sales at any time prior to the completion of an appraisal;

(6) Providing to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the contract to purchase may be provided;

(7) Providing or offering to provide to an appraiser or to any person or entity related to the appraiser stock or other financial or nonfinancial benefits;

(8) Removing an appraiser from an appraiser panel without prior written notice to such appraiser as set forth in section 20-529c;

(9) Obtaining, using or paying for a subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless (A) there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly noted in such transaction file, or (B) such subsequent appraisal or automated valuation model is performed pursuant to a bona fide prefunding or postfunding appraisal review, loan underwriting or quality control process; or

(10) Using any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity or impartiality.

(e) Nothing in subsection (d) of this section shall be construed to prohibit an appraisal management company from requesting that an appraiser provide additional information about the basis for a valuation or correct objective factual errors in an appraisal report.

Section 5. Subsection (c) of Section 20-517 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Renewals. Continuing education requirements. Regulations. Certification.

(c) Persons certified or provisionally licensed in accordance with the provisions of sections 20-500 to 20-528, inclusive, shall fulfill a continuing education requirement. Applicants for an annual renewal certification or provisional license shall, in addition to the other requirements imposed by the provisions of said sections, biennially within any even-numbered year submit proof of compliance with the continuing education requirements of this subsection, if any, to the commission.[, accompanied by a]Each licensee shall pay an annual eight[sixteen]-dollar continuing education processing fee to cover costs associated with the review and auditing of continuing education submissions.

Section 6. Section 20-295b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Holders of certificate of authority as licensed architects.

(a) Any person who, on October 1, 1969, holds a certificate of authority or renewal issued pursuant to sections 20-295 and 20-295a of the general statutes, revised to 1968, shall be entered on the roster of licensed architects and shall thereafter be authorized and entitled to practice architecture in accordance with the provisions of this chapter. (b) Any architect licensed in this state may perform the work of an interior designer as defined under Chapter 396a.

Section 7. Section 20-292 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020)*:

Renewal of license. Continuing education requirements. Fees

(a) Each licensed architect shall renew his or her license annually. Pursuant to section 20-289, as amended by this act, a licensee shall pay to the department the professional services fee for class F, as defined in section 33-182l and shall submit proof of, or attest to, completion of continuing education requirements.

(b) Each corporation holding a certificate of authorization for the practice of architecture shall renew its certificate of authorization for the practice of architecture each year and pay to the department a renewal fee of two hundred twenty dollars.

(c) An applicant for examination or reexamination under this chapter shall pay a nonrefundable fee of seventy-two dollars and an amount sufficient to meet the cost of conducting each portion of the examination taken by such applicant. The fee for an applicant who qualifies for a license, other than by examination, in accordance with the provisions of section 20-291, as amended by this act, shall be one hundred dollars.

(d) Pursuant to section 20-289, as amended by this act, an architect who is retired and not practicing any aspect of architecture and who is (1) sixty-five years of age or older, or (2) has been licensed for a minimum of ten years in this state, may apply for registration as an Architect Emeritus. The fee for such registration shall be ten dollars. An Architect Emeritus may not engage in the practice of architecture without applying for and receiving an architect license.

(e) For renewal of a license under this section, an applicant shall attest that he or she has completed twelve hours of continuing professional education (CPE) during the CPE Period. The CPE Period shall be the period that begins and ends three months prior to the renewal date.

(f) For renewal of a license under this section, the department shall charge the following fees for failure to earn CPE credits by end of the CPE Period:

(1) Three hundred fifteen dollars for reporting on a renewal application a minimum of twelve hours of CPE, any of which was earned up to thirteen weeks following the end of the CPE Period;

(2) Six hundred twenty-five dollars for reporting on a renewal application a minimum of twelve hours of CPE any of which was earned up to 26 weeks following the end of the CPE Period.

(3) Failure, on the part of a licensee under section 20-292, to comply with the CPE requirements for more than 26 weeks beyond the CPE Period may result in the suspension, revocation or refusal to renew the license by the board or department after an administrative hearing pursuant to Chapter 54 of the Connecticut General Statutes.

Section 8. Section 20-453 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(a) Upon receipt of a completed application and the appropriate fees, the department, upon authorization of the commission, shall: (1) Issue and deliver to the applicant a certificate of registration; or (2) refuse to issue the certificate. The commission may suspend, revoke or refuse to issue or renew any certificate issued under sections 20-450 to 20-462, inclusive, as amended by this act, or may place a registrant on probation or issue a letter of reprimand for any of the reasons stated in section 20-456, as amended by this act. No application for the reinstatement of a certificate which has been revoked shall be accepted by the department within one year after the date of such revocation.

(b) Any person issued an initial certificate of registration as a community association manager prior to October 1, 2019, shall, not later than one year following the date of issuance of such certificate, successfully complete a nationally recognized course on community association management and pass the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination, or a similar examination as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to subsection (c) of this section.

(c) Any person issued an initial certificate of registration as a community association manager on or after October 1, 2019 shall successfully complete a nationally recognized course on community association management and pass the National Board of Certification for

Community Association Managers' Certified Manager of Community Associations examination, or a similar examination as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to subsection (c) of this section.

[(c)](d) The department, with the advice and assistance of the commission, shall adopt regulations, in accordance with chapter 54, concerning any examination required for certification under this chapter and the approval of schools, institutions or organizations offering courses in current practices and laws concerning community association management and the content of such courses. Such regulations shall include, but not be limited to: (1) Specifications for meeting the educational requirements prescribed in this section; and (2) exemptions from the educational requirements for reasons of health or instances of individual hardship. In adopting such regulations, the department may not disapprove a school, institution or organization that offers an examination or courses in current practices and laws concerning community association management solely because its examination or courses are offered or taught by electronic means, nor may the department disapprove an examination or course solely because it is offered or taught by electronic means.

[(d)](e) An applicant for renewal of registration as a community association manager shall, in addition to the other requirements imposed by the provisions of this chapter, complete sixteen hours of continuing education over the course of the two-year period, retain proof of completion, and, upon request, provide such proof to the department. Continuing education shall consist of a course or courses, offered by the Connecticut Chapter of the Community Associations Institute, in community association management techniques and common interest community law, or similar courses as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to this chapter.

Section 9. Section 20-457 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(a) Each community association manager shall (1) exhibit his or her certificate of registration upon request by any interested party, (2) state in any advertisement the fact that he or she is registered, and (3) include his or her registration number in any advertisement. In the case of a business entity, the advertisement shall identify at least one principal, officer or

director of the entity that is a community association manager and shall include the registration number of such principal, officer or director.

(b) No person shall: (1) Present or attempt to present, as his or her own, the certificate of another, (2) knowingly give false evidence of a material nature to the commission or department for the purpose of procuring a certificate, (3) represent himself or herself falsely as, or impersonate, a registered community association manager, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer to provide association management services without having a current certificate of registration under sections 20-450 to 20-462, inclusive, as amended by this act, (6) represent in any manner that his or her registration constitutes an endorsement of the quality of his or her services or of his or her competency by the commission or department. In addition to any other remedy provided for in sections 20-450 to 20-462, inclusive, as amended by this act, any person who violates any provision of this subsection shall, after an administrative hearing, be fined not more than one thousand dollars, or shall be imprisoned for not more than one year or be both fined and imprisoned. A violation of any of the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b.

(c) Certificates issued to community association managers shall not be transferable or assignable.

(d) All certificates issued to community association managers under the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall expire annually on the thirty-first day of January. A holder of a certificate of registration who seeks to renew his or her certificate shall, when filing an application for renewal of the certificate, [submit documentation]attest to the department which establishes that he or she has passed any examination and completed any educational coursework, as the case may be, required for certification under this chapter. The fee for renewal of a certificate shall be two hundred dollars.

[(e) A community association manager whose certificate has expired more than one month before his or her application for renewal is made shall have his or her registration restored upon payment of a fee of fifty dollars in addition to his or her renewal fee. Restoration of a registration shall be effective upon approval of the application for renewal by the commission

or department.

(f) A certificate shall not be restored unless it is renewed not later than one year after its expiration.]

[(g)](e) Failure to receive a notice of expiration or a renewal application shall not exempt a community association manager from the obligation to renew.

[(h)](f) All certificates issued to community association manager trainees under the provisions of sections 20-450 to 20-462, inclusive, as amended by this act, shall expire six months from the date of issuance and shall not be renewable.

Section 10. Section 20-458 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(a) No contract between a person contracting to provide association management services and an association which provides for the management of the association shall be valid or enforceable unless the contract is in writing and provides that the person contracting to provide association management services or, in the case of a business entity, a principal, officer or director of such entity:

(1) Shall be registered as provided in sections 20-450 to 20-462, inclusive, as amended by this act, and shall obtain insurance as provided in section 20-460, as amended by this act; and

(2) Shall not issue a check on behalf of the association or transfer moneys exceeding a specified amount determined by the association without the written approval of an officer designated by the association; and

(3) Shall not enter into any contract binding the association exceeding a specified amount determined by the association, except in the case of an emergency, without the written approval of an officer designated by the association.

(b) No contract to provide association management services shall:

(1) Be sold or assigned to another person without the approval of a majority of the executive board of the association; or

(2) Include any clause, covenant or agreement that indemnifies or holds harmless the person contracting to provide association management services from or against any liability for loss or damage resulting from such person's negligence or [wilful]willful misconduct.

Section 11. Section 20-460 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(a) No community association manager, nor any community association manager trainee or support or administrative staff employed or engaged by such community association manager shall control, collect, have access to or disburse funds of an association unless there is in effect, a commercially available insurance policy complying with the provisions of this section that provides protection of such funds belonging to an association from the theft by a community association manager, a community association manager trainee, a community association management company or its employees.

(b) The commercially available insurance policy referred to in subsection (a) of this section shall: (1) Be written by an insurance company authorized to write such policies in this state; (2) except as provided in subsection (c) of this section, cover the maximum funds that will be in the custody of the community association manager at any time while the bond is in force, and in no event be less than the sum of three months' assessments plus reserve funds; (3) name the association as obligee; (4) [cover the community association manager, community association manager trainee and all partners, officers, employees of the community association manager and may cover other persons controlling, collecting, having access to or disbursing association funds as well; (5)] be conditioned upon the persons covered by the policy truly and faithfully accounting for all funds received by them, under their care, custody or control, or to which they have access; [(6)](5) provide that the insurance company issuing the policy may not cancel, substantially modify or refuse to renew the policy without giving thirty days' prior written notice to the association and the department, except in the case of a nonpayment of premiums, in which case ten days' prior written notice shall be given; [(7)](6) contain such other provisions as the department may, by regulation, require.

(c) The policy of a person who is employed full-time by and provides association management services to an association of a common interest community, or to a master association as defined in section 47-239 exercising the powers on behalf of one or more common interest communities or for the benefit of the unit owners of one or more common

interest communities, which community or communities were established prior to July 3, 1991, and have more than two thousand four hundred residential units, shall be in an amount which is not less than one-half the amount specified in subdivision (2) of subsection (b) of this section.

(d) The community association manager shall furnish to the department, upon request, a certificate of each policy required under this section.

(e) Unless otherwise provided for in a written agreement between the community association manager and the association pursuant to subsection (f) of this section, the cost of the policy shall be paid for by the community association manager.

(f) If, as of October 1, 1990, any community association manager is providing association management services, including the handling of funds, or has entered into an agreement to provide association management services including the handling of funds, and has no written agreement, concerning which party shall pay the cost of policy, the cost of the policy shall be paid for in accordance with the declaration and bylaws of the association, and if the declaration and bylaws contain no such provision, the cost of the policy shall be paid one-half by the community association manager and one-half by the association unless the parties otherwise agree in writing.

(g) A separate policy shall be furnished for each association for which a community association manager provides association management services, including the handling of funds.

(h) An insurance policy obtained and maintained by an association under section 47-255, which affords the coverages required in this section, shall be deemed compliant with this section.

Section 12. Subsection (b) of section 21a-190e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Fund-raising counsel. Filing of contracts. Registration of fund-raising counsel. Fees. Bond.

(b) A fund-raising counsel who at any time has custody or control of contributions from a solicitation shall register with the department. Applications for registration or renewal of a registration as a fund-raising counsel shall be in a form prescribed by the commissioner and shall be accompanied by a fee in the amount of one hundred twenty dollars. Each fund-raising counsel shall certify that such application

or report is true and correct to the best of the fund-raising counsel's knowledge. Each application shall contain such information as the department shall require. Each registration shall be valid for one year and may be renewed for additional one-year periods. An applicant for registration or for a renewal of registration as a fund-raising counsel shall, at the time of making such application, file with and have approved by the department a bond in a form prescribed by the commissioner, in which the applicant shall be the principal obligor in the sum of [twenty] fifty thousand dollars, with one or more responsible sureties whose liability in the aggregate as such sureties shall be no less than such sum. The fund-raising counsel shall maintain the bond in effect as long as the registration is in effect. The bond shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liabilities resulting from the obligor's conduct of any activities subject to sections 21a-190a to 21a-190l, inclusive, or arising out of a violation of said sections or any regulation adopted pursuant to said sections. Any such fund-raising counsel shall account to the charitable organization with which he has contracted for all income received and expenses paid no later than ninety days after a solicitation campaign has been completed, and in the case of a solicitation campaign lasting more than one year, on the anniversary of the commencement of such campaign. Such accounting shall be in writing, shall be retained by the charitable organization for three years and shall be available to the department upon request.

Section 13. Subsections (b) and (c) of section 21a-190f of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Paid solicitors. Registration. Fees. Bond. Filing of contracts. Solicitation notice. Contract requirements. Disclosures at point of solicitation. Prohibited practices. Records. Deposit of funds.

(b) An applicant for registration or for a renewal of registration as a paid solicitor shall, at the time of making such application, file with and have approved by the department a bond in a form prescribed by the commissioner, in which the applicant shall be the principal obligor in the sum of [twenty]fifty thousand dollars, with one or more responsible sureties whose liability in the aggregate as such sureties shall be no less than such sum. The paid solicitor shall maintain the bond in effect as long as the registration is in effect. The bond shall run to the state and to any person who may have a cause of action against the principal obligor of the bond for any liabilities resulting from the obligor's conduct of any activities subject to sections 21a-190a to 21a-190l, inclusive, or arising out of a violation of said sections or any regulation adopted pursuant to said sections.

(c) No less than twenty days prior to the commencement of each solicitation campaign, a paid solicitor shall file with the department a copy of the contract described in subsection (d) of this

section and shall complete a solicitation notice in a form prescribed by the commissioner. A solicitation notice shall be certified by the paid solicitor as true and correct to the best of the solicitor's knowledge and shall include a description of the solicitation event or campaign, the location and telephone number from which the solicitation is to be conducted, the names and residence addresses of all employees, agents or other persons however styled who are to solicit during such campaign and the account number and location of all bank accounts where receipts from such campaign are to be deposited. Copies of campaign solicitation literature, including the text of any solicitation to be made orally, shall be submitted to the department. The charitable organization on whose behalf the paid solicitor is acting shall certify that the solicitation notice and accompanying material are true and complete. Prior to the commencement of such solicitation campaign, the commissioner shall publicize such solicitation by posting on the department's web site information describing the terms of the contract between the paid solicitor and the charitable organization, the dates of such solicitation campaign and the percentage of the raised funds to be retained by the paid solicitor. The commissioner may publicize such solicitation through any additional means the commissioner deems appropriate. If a solicitation campaign continues for a period longer than five years, the paid solicitor shall, every five years and by no later than the last day of the month of the submission of the first solicitation notice, complete a new solicitation notice in the form prescribed by the commissioner and refile a copy of the contract described in subsection (d) of this section.

Section 14. Section 21a-190l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Denial, suspension, revocation of registration. Court-ordered relief. Penalties.

(a) The commissioner may deny, suspend or revoke the registration of any charitable organization, fund-raising counsel or paid solicitor which has violated any provision of sections 21a-190a to 21a-190l, inclusive. [The commissioner may accept a written assurance of compliance when said commissioner determines that a violation of said sections is such that the public interest would not be served by a denial, suspension or revocation of such registration.]

(b) The Attorney General, at the request of the commissioner, may apply to the Superior Court for, and the court may grant, a temporary injunction or a permanent injunction to restrain violations of sections 21a-190a to 21a-190l, inclusive, the appointment of a receiver, an order of restitution, an accounting and such other relief as may be appropriate to ensure the due application of charitable funds. Proceedings thereon shall be brought in the name of the state.

(c) Any person who knowingly violates any provision of sections 21a-190a to 21a-190l, inclusive, shall be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(d) In any action brought under subsection (b) of this section, if the court finds that a person has [willfully]willfully engaged in conduct prohibited by section 21a-190h, the Attorney General, upon petition to the court, may recover, on behalf of the state, a civil penalty of not more than two thousand five hundred dollars for each violation. For purposes of this subsection, a [willful]willful violation occurs when the party committing the violation knew or should have known that such conduct was prohibited by section 21a-190h.

Section 15. Section 43-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Uniform Open Dating Regulation. Regulations. Exemptions.

The Commissioner of Weights and Measures shall adopt regulations, in accordance with chapter 54[, incorporating, by reference, the voluntary version of the Uniform Open Dating Regulation, as adopted and as amended from time to time, by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, or subsequent corresponding handbook of the United States Department of Commerce]. Dairy foods required to be marked with a last sale date pursuant to section 22-197b shall be exempt from the provisions of this section.

Section 16. Section 21a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Toll-free telephone line for consumer inquiries and complaints. Processing of consumer complaints and other matters. Notification to respondent. Fine for failure to respond. (a) A toll-free telephone line, available to consumers throughout the state, shall be established in the Department of Consumer Protection for the handling of consumer inquiries and complaints concerning consumer goods or services in the state or any other matter within the jurisdiction of the department and its licensing and regulatory boards. The line shall be in operation from 8:30 a.m. to 4:30 p.m. Monday through Friday each week, exclusive of those legal holidays on which state offices are closed, and shall be restricted to incoming calls.

(b) The Department of Consumer Protection shall process the intake of consumer complaints concerning consumer goods or services in the state and any other matter within the jurisdiction of the department. In order to assist in the resolution of consumer complaints, the department may notify, in writing, the respondent against whom a complaint was received of the allegations against them and require a written response be provided to the department not later than thirty days of receipt of such notice.

(c) For purposes of this section, “credential holder” means a person certified, licensed, permitted or registered with the Department of Consumer Protection. In the event the department provides written

notice to a respondent who is not a credential holder that a complaint has been filed against him or her, and said respondent fails to respond after receipt of such notice, the respondent may be fined not more than two hundred fifty dollars for failure to respond to the department. Written notice for purposes of this section shall include notice sent by registered or certified mail or hand-delivered to a respondent.

(d) All notices of administrative enforcement actions, including compliance meetings and hearings, shall be in writing and shall comply with the provisions of subsections (a) and (b) of section 4-177 and subsection (c) of section 4-182, if applicable, of the Connecticut General Statutes. A notice of administrative enforcement action shall be delivered to all designated parties and intervenors, who are not credential holders, or their authorized representative (1) personally, (2) by United States mail with delivery tracking or certified mail, or (3) via electronic mail with tracking and delivery confirmation. Delivery of administrative enforcement action notices shall be deemed effective notice if delivered or sent to a credential holder's last known address or electronic mail address of record on file with the department. If the party is not a credential holder, service shall be deemed sufficient provided that the department has made reasonable efforts to effectuate notice such as, but not limited to, verifying the mailing address through the Secretary of the State or the Department of Motor Vehicles.

Section 17. Section 21a-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Powers and duties of boards and commissions within Department of Consumer Protection. (a) Each board or commission within the Department of Consumer Protection under section 21a-6 shall have the following powers and duties:

(1) Each board or commission shall exercise its statutory functions, including licensing, certification, registration, accreditation of schools and the rendering of findings, orders and adjudications. With the exception of the Liquor Control Commission, any exercise of such functions by such a board or commission that is adverse to a party shall be a proposed decision and subject to approval, modification or rejection by the commissioner.

(2) Each board or commission may, in its discretion, issue (A) an appropriate order to any person found to be violating an applicable statute or regulation providing for the immediate discontinuance of the violation, (B) an order requiring the violator to make restitution for any damage caused by the violation, or (C) both. Each board or commission may, through the Attorney General, petition the superior court for the judicial district wherein the violation occurred, or wherein the person committing the violation resides or transacts business, for the enforcement of any order issued by it and for appropriate temporary relief or a restraining order and shall certify and file in the court a transcript of the entire record of the hearing or hearings, including all testimony upon which such order was made and the findings and orders made by the board or commission. The court may grant such relief by injunction or otherwise, including temporary relief, as it deems equitable and may make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, any order of a board or commission.

(3) Each board or commission may conduct hearings on any matter within its statutory jurisdiction. Such hearings shall be conducted in accordance with chapter 54 and the regulations established pursuant to subsection (a) of section 21a-9. In connection with any such hearing, the board or commission may administer oaths, issue subpoenas, compel testimony and order the production of books, records and documents. If any person refuses to appear, testify or produce any book, record or document when so ordered, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section.

(4) Each board or commission may request the Commissioner of Consumer Protection to conduct an investigation and to make findings and recommendations regarding any matter within the statutory jurisdiction of the board or commission.

(5) Each board or commission may recommend rules and regulations for adoption by the Commissioner of Consumer Protection and may review and comment upon proposed rules and regulations prior to their adoption by said commissioner.

(6) Each board or commission shall meet at least once in each quarter of a calendar year and at such other times as the chairperson or the Commissioner of Consumer Protection deems necessary. A majority of the members shall constitute a quorum, except that for any examining board, forty per cent of the members shall constitute a quorum. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings during any calendar year shall be deemed to have resigned from office. Members of boards or commissions shall not serve for more than two consecutive full terms which commence on or after July 1, 1982, except that if no successor has been appointed or approved, such member shall continue to serve until a successor is appointed or approved. Members shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(7) In addition to any other action permitted under the general statutes, each board or commission may, upon a finding of any cause specified in subsection (c) of section 21a-9: (A) Revoke, place conditions upon, or suspend a license, registration or certificate; (B) issue a letter of reprimand to a practitioner and send a copy of such letter to a complainant or to a state or local official; (C) place a practitioner on probationary status and require the practitioner to (i) report regularly to the department, board or commission on the matter which is the basis for probation, (ii) limit the practitioner's practice to areas prescribed by the board or commission, or (iii) continue or renew the practitioner's education until the practitioner has attained a satisfactory level of competence in any area which is the basis for probation; (D) impose fines of up to $1,000 per violation if the general statutes are silent on the board or Commissioner of Consumer Protection’s ability to fine. Each board or commission may discontinue, suspend or rescind any action taken under this subsection.

(8) Each examining board within the Department of Consumer Protection or the Commissioner of Consumer Protection shall conduct any hearing or other action required for an application submitted pursuant to section 20-333 and any completed renewal application submitted pursuant to section 20-335 not later than (A) thirty days after the date of submission for such application or completed

renewal application, as applicable, or (B) a period of time deemed appropriate by the Commissioner of Consumer Protection, but not to exceed sixty days after such date of submission.

(b) With the exception of the Liquor Control Commission, each board or commission within the Department of Consumer Protection under section 21a-6 that makes a proposed final decision that is adverse to a party as described in subdivision (1) of subsection (a) of this section, shall submit such proposed decision to the Commissioner of Consumer Protection. Not later than thirty calendar days after receipt of any such proposed decision, the Commissioner of Consumer Protection shall notify such board or commission that the commissioner shall render the final decision concerning such matter. Not later than thirty days after receipt of any such proposed decision, the commissioner shall approve, modify or reject the proposed decision or remand the proposed decision for further review or for the taking of additional evidence. The commissioner shall notify the board or commission in writing of the commissioner's decision and include in such notification the rationale for such decision. The decision of the commissioner shall be the final decision in accordance with section 4-180 for purposes of reconsideration in accordance with section 4-181a or appeal to the Superior Court in accordance with section 4-183.

Section 18. Section 21a-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Department's and commissioner's powers and duties re boards and commissions. (a) The Department of Consumer Protection shall have the following powers and duties with regard to each board or commission transferred to the Department of Consumer Protection under section 21a-6, except for the Liquor Control Commission:

(1) The department shall control the allocation, disbursement and budgeting of funds appropriated to the department for the operation of each board or commission transferred to said department.

(2) The department shall employ and assign such personnel as the commissioner deems necessary for the performance of each board's or commission's functions.

(3) The department shall perform all management functions, including purchasing, bookkeeping, accounting, payroll, secretarial, clerical, record-keeping and routine housekeeping functions.

(4) The department shall conduct any necessary review, inspection or investigation regarding qualifications of applicants for licenses or certificates, possible violations of statutes or regulations, accreditation of schools, disciplinary matters and the establishment of regulatory policy, and make recommendations to the appropriate board or commission. In connection with any such investigation, the Commissioner of Consumer Protection, or the commissioner's authorized agent, may administer oaths, issue subpoenas, compel testimony and order the production of books, records and documents. If any person refuses to appear, to testify or to produce any book, record or document when so ordered, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this section.

(5) The department shall administer any examinations necessary to ascertain the qualifications of applicants for licenses or certificates and shall issue licenses or certificates to qualified applicants. The department shall maintain rosters of licensees or registrants and update such rosters annually, and may provide copies of such rosters to the public for an appropriate fee.

(6) The department shall conduct any necessary investigation and follow-up in connection with complaints regarding persons subject to regulation or licensing by the board or commission.

(7) The department shall perform any other function necessary to the effective operation of the board or commission.

(8) The department shall receive complaints concerning the work and practices of persons licensed, registered or certified by such boards or commissions and shall receive complaints concerning unauthorized work and practice by persons not licensed, registered or certified by such boards or commissions. The department shall distribute quarterly a list of all complaints received within the previous quarter to the chairperson of the appropriate board or commission. The department shall screen all complaints and dismiss any in which the allegation, if substantiated, would not constitute a violation of any statute or regulation. The department shall distribute notice of all such dismissals monthly to the chairperson of the appropriate board or commission. The department shall investigate any complaint in which the allegation, if substantiated, would constitute a violation of a statute or regulation under its jurisdiction. In conducting the investigation, the commissioner may seek the assistance of a member of the appropriate board, an employee of any state agency with expertise in the area, or if no such member or employee is available, a person from outside state service licensed to perform the work involved in the complaint. Board or commission members involved in an investigation shall not participate in disciplinary proceedings resulting from such investigation. The Commissioner of Consumer Protection may dismiss a complaint following an investigation if the commissioner determines that such complaint lacks probable cause. The commissioner may bring a complaint before the appropriate board or commission for a formal hearing if the commissioner determines that there is probable cause to believe that the offense alleged in the complaint has been committed and that the practitioner named in the complaint was responsible. The commissioner, or the commissioner's authorized agent, shall have the power to issue subpoenas to require the attendance of witnesses or the production of records, correspondence, documents or other evidence in connection with any hearing of a board or commission.

(9) The department may contract with a third party, if the commissioner deems it necessary, to administer licensing examinations and perform all attendant administrative functions in connection with such examination and to monitor continuing professional education requirements, and may require the payment of a fee to such third party.

(b) Not later than January 15, 2015, and annually thereafter, the commissioner, in accordance with section 11-4a, shall report the following to the joint standing committee of the General Assembly having cognizance of matters relating to consumer protection and occupational licensing: (1) The total number of complaints received by the department in the previous calendar year concerning the work and practice of persons licensed, registered or certified by the boards or commissions specified in

subdivisions (1) and (3) of section 21a-6, (2) the nature of each complaint, (3) the department's resolution of each complaint, including, if applicable, whether the complaint (A) was dismissed because the allegation, if substantiated, would not constitute a violation of any statute or regulation, (B) was investigated, (C) was dismissed, following an investigation, for lack of probable cause, (D) was resolved by a settlement, and whether a penalty was imposed pursuant to such settlement, or (E) was brought for formal hearing, and whether a violation was found and a penalty imposed.

(c) The Commissioner of Consumer Protection shall have the following powers and duties with regard to each board or commission within the Department of Consumer Protection under section 21a-6:

(1) The commissioner shall, in consultation with each board or commission, exercise the functions of licensing, certification, registration, accreditation of schools and the rendering of findings, orders and adjudications.

(2) The commissioner may, in the commissioner's discretion, issue an appropriate order to any person found to be violating any statute or regulation within the jurisdiction of such board or commission providing for the immediate discontinuance of the violation or requiring the violator to make restitution for any damage caused by the violation, or both. The commissioner may, through the Attorney General, petition the superior court for the judicial district in which the violation occurred, or in which the person committing the violation resides or transacts business, for the enforcement of any order issued by the commissioner under this subdivision and for appropriate temporary relief or a restraining order. The commissioner shall certify and file in the court a transcript of the entire record of the hearing or hearings, including all testimony upon which such order was made and the findings and orders made by the commissioner. The court may grant such relief by injunction or otherwise, including temporary relief, as the court deems equitable and may make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, any order of the commissioner issued under this subdivision.

(3) The commissioner may conduct hearings on any matter within the statutory jurisdiction of such board or commission. Such hearings shall be conducted in accordance with chapter 54 and the regulations adopted pursuant to subsection (a) of section 21a-9. In connection with any such hearing, the commissioner may administer oaths, issue subpoenas, compel testimony and order the production of books, records and documents. If any person refuses to appear, testify or produce any book, record or document when so ordered, a judge of the Superior Court may make such order as may be appropriate to aid in the enforcement of this subdivision.

(4) In addition to any other action permitted under the general statutes, the commissioner may, upon a finding of any cause specified in subsection (c) of section 21a-9: (A) Revoke, place conditions upon or suspend a license, registration or certificate; (B) issue a letter of reprimand to a practitioner and send a copy of such letter to a complainant or to a state or local official; (C) place a practitioner on probationary status and require the practitioner to (i) report regularly to the commissioner on the matter which is the basis for probation, (ii) limit the practitioner's practice to areas prescribed by the commissioner, or (iii) continue or renew the practitioner's education until the practitioner has attained a

satisfactory level of competence in any area which is the basis for probation; (D) impose fines of up to $1,000 per violation if the general statutes are silent on the board or Commissioner of Consumer Protection's ability to fine. The commissioner may discontinue, suspend or rescind any action taken under this subdivision.

Section 19. Section 21a-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020)*:

Commissioner of Consumer Protection authorized to establish, combine or abolish divisions, sections or other units, exception. Regulations re staggered schedule for renewal of licenses. Prorated amount for guaranty fund fees and newly issued licenses, certificates, registrations and permits, allowed. (a) The Commissioner of Consumer Protection may establish, combine or abolish divisions, sections or other units within the Department of Consumer Protection and allocate powers, duties and functions among such units, but no function vested by statute in any officer, division, board, agency or other unit within the department shall be removed from the jurisdiction of such officer, division, board, agency or other unit under the provisions of this section.

(b) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, to designate a staggered schedule for the renewal of all licenses, certificates, registrations and permits issued by said department. If such designation of a staggered schedule results in the expiration of any license, certificate, registration or permit for a period of less than or more than one year, said commissioner may charge a prorated amount for such license, certificate, registration or permit. For any new license, certificate, registration or permit that is issued and for any guaranty fund fee that is imposed on or after January 1, 1995, the commissioner may charge a one-time prorated amount for such newly issued license, certificate, registration, permit or guaranty fund fee.

(c) For any Department of Consumer Protection license, certificate, registration or permit that requires the credential holder to complete continuing education requirements, the continuing education requirements shall be completed within the annual or biannual period that begins and ends three months prior to the renewal date for the applicable credential.

Section 20. Section 21a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Powers and duties of commissioner. (a) The Commissioner of Consumer Protection may, subject to the provisions of chapter 67, employ such agents and assistants as are necessary to enforce the provisions of the general statutes wherein said commissioner is empowered to carry out the duties and responsibilities assigned to him or his department. For the purpose of inquiring into any suspected violation of such provisions, the commissioner and his deputy and assistants shall have free access, at all reasonable hours, to all places and premises, homes and apartments of private families keeping no

boarders excepted. The commissioner and his or her deputy or assistants shall have the authority to issue citations pursuant to section 51-164n for violations for the purpose of enforcing such provisions.

(b) On the tender of the market price, the commissioner or his deputy may take from any person, firm or corporation samples of any article which he suspects is sold, offered for sale, kept with intent to sell, made or manufactured contrary to any provision of this chapter or related chapters under the jurisdiction of said commissioner. He may analyze such samples or have them analyzed by a state chemist or by an experiment station or by the laboratories of the Department of Public Health, and a sworn or affirmed certificate by such analyst shall be prima facie evidence of the ingredients and constituents of the samples analyzed. If such analysis shows that any such sample does not conform to the requirements of law, and gives the commissioner or his deputy reasonable grounds for believing that any provision of this chapter or related chapters under his jurisdiction has been violated, he shall cause such violator to be prosecuted. Any person who refuses the access provided for herein to the commissioner, his deputy or assistants, or who refuses to sell the samples provided for herein, shall be guilty of a class D misdemeanor. Evidence of violation of any provision of this section shall be prima facie evidence of willful violation.

(c) The commissioner may, subject to the provisions of chapter 54, revoke, suspend, place conditions upon,[or] deny, or, if the general statutes are silent on the board or Commissioner of Consumer Protection's ability to fine, impose fines of up to $1,000 per violation on any license or registration issued by the department in the event that such licensee or registrant, including, but not limited to, an owner of any business entity holding such license or registration, owes moneys to any guaranty fund or account maintained or used by the department, including, but not limited to, the Home Improvement Guaranty Fund established pursuant to section 20-432, the New Home Construction Guaranty Fund established pursuant to section 20-417i, the Connecticut Health Club Guaranty Fund established pursuant to section 21a-226, the Real Estate Guaranty Fund established pursuant to section 20-324a and the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Section 21. Subsection (b) of Section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial.

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,

subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341*l*, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, subsection (f) of section 2 of public act 19-3, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the

provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Section 22. Section 20-672 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Application for registration. Fees. Failure to register. (a) Any person seeking a certificate of registration as a homemaker-companion agency shall apply to the Commissioner of Consumer Protection, in writing, on a form provided by the commissioner. The application shall include the applicant's name, residence address, business address, business telephone number and such other information as the commissioner may require. An applicant shall also be required to submit to state and national criminal history records checks in accordance with section 29-17a and to certify under oath to the commissioner that: (1) Such agency complies with the requirements of section 20-678 concerning employee comprehensive background checks, (2) such agency provides all persons receiving homemaker or companion services with a written individualized contract or service plan that specifically identifies the anticipated scope, type, frequency and duration of homemaker or companion services provided by the agency to the person, (3) such agency maintains a surety bond or insurance policy of not less than ten thousand dollars coverage, which coverage shall include theft by an employee of such agency from a person for whom homemaker or companion services are provided by the agency, and (4) all records maintained by such agency shall be open, at all reasonable hours, for inspection, copying or audit by the commissioner.

(b) Each application for a certificate of registration as a homemaker-companion agency shall be accompanied by a fee of three [seventy-five] hundred seventy-five dollars.

(c) Upon the failure by a homemaker-companion agency to comply with the registration provisions of this section, the Attorney General, at the request of the Commissioner of Consumer Protection, is authorized to apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining a homemaker-companion agency from continuing to do business in the state.

Section 23. Section 20-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Display and advertisement of certificate of registration. Prohibitions. Penalties. Expiration. Renewal. (a) Each person obtaining a homemaker-companion agency certificate of registration shall: (1) Exhibit the agency's certificate of registration upon request by any interested party, (2) state in any advertisement the fact that the agency is registered, and (3) include the agency's registration number in any advertisement.

(b) No person shall: (1) Present or attempt to present, as such person's own, the certificate of another, (2) knowingly give false evidence of a material nature to the Commissioner of Consumer Protection for the purpose of procuring a certificate, (3) represent himself or herself falsely as, or impersonate, a registered homemaker-companion agency, (4) use or attempt to use a certificate which has expired or which has been suspended or revoked, (5) offer or provide homemaker or companion services without having a current certificate of registration under the provisions of sections 20-670 to 20-680, inclusive, or (6) represent in any manner that such person's registration constitutes an endorsement by the commissioner of the quality of services provided by such person.

(c) In addition to any other remedy provided for in sections 20-670 to 20-676, inclusive, any person who violates any provision of subsection (b) of this section shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(d) Certificates issued to a homemaker-companion agency shall not be transferable or assignable.

(e) All certificates issued under the provisions of sections 20-670 to 20-680, inclusive, shall expire annually. The fee for renewal of a certificate shall be the same as the fee charged for an original application pursuant to section 20-672. Fees collected pursuant to the issuance of a certificate or renewal of a certificate shall be deposited in the General Fund.

(f) Failure to receive a notice of expiration of registration or a renewal application shall not exempt a homemaker-companion agency from the obligation to renew.

(g) (1) On or after July 1, 2020, no homemaker-companion agency applying for a new registration shall include in its business name any words that indicate or suggest that such agency provides any services beyond the scope of what is allowed in this chapter including, but not limited to, words relating to medical or health care licensure or services. (2) No homemaker-companion agency shall include in its advertising any words that indicate or suggest that such agency provides any services beyond the scope of what is allowed in this chapter including, but not limited to, words relating to medical or health care licensure or services.

Section 24. NEW (*Effective from passage)*:

NEW Sec. 20-681.

(a) No person, other than an immediate family member, who has an ownership interest in or who is a corporate officer of the homemaker-companion agency providing such services, or any employee or agent thereof, shall serve as power of attorney for any person contracted with such agency to receive homemaker or companion services.

(b) A person receiving homemaker or companion services may petition the Commissioner of Consumer Protection for an exception to the prohibition provided in subsection (a) of this section, which petition may be granted for good cause.

(c) For purposes of this section, “immediate family member” means a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.

Section 25. Section 20-330 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 20-330. Definitions. As used in this chapter:

(1) "Contractor" means any person regularly offering to the general public services of such person or such person's employees in the field of electrical work, plumbing and piping work, solar work, heating, piping, cooling and sheet metal work, fire protection sprinkler systems work, elevator installation, repair and maintenance work, irrigation work, automotive glass work or flat glass work, as defined in this section;

(2) "Electrical work" means the installation, erection, maintenance, alteration or repair of any wire, cable, conduit, busway, raceway, support, insulator, conductor, appliance, apparatus, fixture or equipment that generates, transforms, transmits or uses electrical energy for light, heat, power or other purposes, but does not include low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system;

(3) "Plumbing and piping work" means the installation, repair, replacement, alteration or maintenance of gas, water and associated fixtures, tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in the manufacturing process, laboratory equipment, sanitary equipment, other than subsurface sewage disposal systems, fire prevention apparatus, all water systems for human usage, sewage treatment facilities and all associated fittings within a building and includes lateral storm and sanitary lines from buildings to the mains, process piping, swimming pools and pumping equipment, and includes making connections to back flow prevention devices, and includes low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system, but does not include (A) solar thermal work performed pursuant to a certificate held as provided in section 20-334g, except for the repair of those portions of a solar hot water heating system that include the basic domestic hot water tank and the tie-in to the potable water system, (B) the installation, repair, replacement, alteration or maintenance of fire prevention apparatus within a structure, except for standpipes that are not connected to sprinkler systems, (C) medical gas and vacuum systems work, and (D) millwright work. For the purposes of this subdivision, "process piping" means piping or tubing that conveys liquid or gas that is used directly in the production of a chemical or a product for human consumption;

(4) "Solar thermal work" means the installation, erection, repair, replacement, alteration, or maintenance of active, passive and hybrid solar systems that directly convert ambient energy into heat or convey, store or distribute such ambient energy;

(5) "Heating, piping and cooling work" means (A) the installation, repair, replacement, maintenance or alteration of any apparatus for piping, appliances, devices or accessories for heating systems, including sheet metal work, (B) the installation, repair, replacement, maintenance or alteration of air conditioning and refrigeration systems, boilers, including apparatus and piping for the

generation or conveyance of steam and associated pumping equipment and process piping and the installation of tubing and piping mains and branch lines up to and including the closest valve to a machine or equipment used in the manufacturing process, but excluding millwright work, and (C) on-site operation, by manipulating, adjusting or controlling, with sufficient technical knowledge, as determined by the commissioner, (i) heating systems with a steam or water boiler maximum operating pressure of fifteen pounds per square inch gauge or greater, or (ii) air conditioning or refrigeration systems with an aggregate of more than fifty horsepower or kilowatt equivalency of fifty horsepower or of two hundred pounds of refrigerant. Heating, piping and cooling work does not include solar thermal work performed pursuant to a certificate held as provided in section 20-334g, or medical gas and vacuum systems work or the passive monitoring of heating, air conditioning or refrigeration systems. For the purposes of this subdivision, "process piping" means piping or tubing that conveys liquid or gas that is used directly in the production of a chemical or a product for human consumption;

(6) "Apprentice" means any person registered with the Labor Department for the purpose of learning a skilled trade;

(7) "Elevator installation, repair and maintenance work" means the installation, erection, maintenance and repair of all types of elevators, dumb waiters, escalators, and moving walks and all mechanical equipment, fittings, associated piping and wiring from a source of supply brought to the equipment room by an unlimited electrical contractor for all types of machines used to hoist or convey persons or materials, but does not include temporary hoisting machines used for hoisting materials in connection with any construction job or project;

(8) "Elevator maintenance" means the lubrication, inspection and replacement of controls, hoistway and car parts;

(9) "Fire protection sprinkler systems work" means the layout, on-site fabrication, installation, alteration, maintenance or repair of any automatic or manual sprinkler system designed for the protection of the interior or exterior of a building or structure from fire, or any piping or tubing and appurtenances and equipment pertaining to such system including overhead and underground water mains, fire hydrants and hydrant mains, standpipes and hose connections to sprinkler systems, sprinkler tank heaters excluding electrical wiring, air lines and thermal systems used in connection with sprinkler and alarm systems connected thereto, foam extinguishing systems or special hazard systems including water spray, foam, carbon dioxide or dry chemical systems, halon and other liquid or gas fire suppression systems, but does not include (A) any engineering design work connected with the layout of fire protection sprinkler systems, or (B) any work performed by employees of or contractors hired by a public water system, as defined in subsection (a) of section 25-33d;

(10) "State Fire Marshal" means the State Fire Marshal appointed by the Commissioner of Administrative Services;

(11) "Journeyman sprinkler fitter" means a specialized pipe fitter craftsman, experienced and skilled in the installation, alteration, maintenance and repair of fire protection sprinkler systems;

(12) "Irrigation work" means making the connections to back flow prevention devices, and low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system;

(13) "Sheet metal work" means the onsite layout, installation, erection, replacement, repair or alteration, including, but not limited to, onsite testing and balancing of related life safety components, environmental air, heating, ventilating and air conditioning systems by manipulating, adjusting or controlling such systems for optimum balance performance of any duct work system, ferrous, nonferrous or other material for ductwork systems, components, devices, air louvers or accessories, in accordance with the State Building Code;

(14) "Journeyman sheet metal worker" means an experienced craftsman skilled in the installation, erection, replacement, repair or alteration of duct work systems, both ferrous and nonferrous;

(15) "Automotive glass work" means installing, maintaining or repairing fixed glass in motor vehicles;

(16) "Flat glass work" means installing, maintaining or repairing glass in residential or commercial structures;

(17) "Medical gas and vacuum systems work" means the work and practice, materials, instrumentation and fixtures used in the construction, installation, alteration, extension, removal, repair, maintenance or renovation of gas and vacuum systems and equipment used solely to transport gases for medical purposes and to remove liquids, air-gases or solids from such systems;

(18) "Solar electricity work" means the installation, erection, repair, replacement, alteration, or maintenance of photovoltaic or wind generation equipment used to distribute or store ambient energy for heat, light, power or other purposes to a point immediately inside any structure or adjacent to an end use;

(19) "Active solar system" means a system that uses an external source of energy to power a motor-driven fan or pump to force the circulation of a fluid through solar heat collectors and which removes the sun's heat from the collectors and transports such heat to a location where it may be used or stored;

(20) "Passive solar system" means a system that is capable of collecting or storing the sun's energy as heat without the use of a motor-driven fan or pump;

(21) "Hybrid solar system" means a system that contains components of both an active solar system and a passive solar system;

(22) "Gas hearth product work" means the installation, service or repair of a propane or natural gas fired fireplace, fireplace insert, stove or log set and associated venting and piping that simulates a

flame of a solid fuel fire. "Gas hearth product work" does not include (A) fuel piping work, (B) the servicing of fuel piping, or (C) work associated with pressure regulating devices, except for appliances gas valves; and

(23) "Millwright work" means the installation, repair, replacement, maintenance or alteration of (A) power generation machinery, or (B) industrial machinery, including the related interconnection of piping and tubing used in the manufacturing process, but does not include the performance of any action for which licensure is required under this chapter.

(24) “Owner” means a person who owns or resides in a private residence and includes any agent thereof, including, but not limited to, a condominium association. An owner of a private residence shall not be required to reside in such residence to be deemed an owner under this subdivision.

(25) “Person” means an individual, partnership, limited liability company or corporation.

(26) “Residential property” means a single family dwelling, a multifamily dwelling consisting of not more than six units, or a unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202, or any number of condominium units for which a condominium association acts as an agent for such unit owners.

Section 26. NEW (*Effective January 1, 2021)*:

NEW Sec. 20-338d. Contract requirements. Contractors and Businesses. Residential property consisting of no more than six units. (a) No contract to perform work by a contractor licensed under this chapter and any person who owns or controls a business engaged to provide the work or services licensed under the provisions of this chapter by persons licensed for such work shall be valid or enforceable against an owner unless it: (i) is in writing, (ii) is signed by the owner and the contractor or business, (iii) contains the entire agreement between the owner and the contractor or business, (iv) contains the date of the transaction, (v) contains the name and address of the contractor and the contractor's license number or in the case of a business, the name(s) of the business owner, partner, or limited liability member, and the phone number, and address of the business, partnership, or limited liability company, (vi) contains the name(s) and license number(s) of the licensee(s) performing the work, (vi) contains a notice of the owner's cancellation rights in accordance with the provisions of chapter 740, and (vii) contains a starting date and completion date.

(b) Each change in the terms and conditions of a contract shall be in writing and shall be signed by the owner and contractor or business, except that the commissioner may, by regulation, dispense with the necessity for complying with the requirement that each change in such contract shall be in writing and signed by the owner and contractor or business.

Section 27. Section 20-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 20-306. Expirations and renewals. (a)(1) The Department of Consumer Protection shall notify each person licensed under this chapter of the date of the expiration of such license and the amount of the fee required for its renewal for one year. Such license renewals shall be accompanied by the payment of the professional services fee for class G, as defined in section 33-182*l*, in the case of a professional engineer license, a professional engineer and land surveyor combined license, or a land surveyor license. The license shall be considered lapsed if not renewed [within thirty days following the normal] on or before the expiration date.

(2) Annual renewal of an engineer-in-training license or a surveyor-in-training license shall not be required. Any such license shall remain valid for a period of ten years from the date of its original issuance and, during this time, it shall meet in part the requirements for licensure as a professional engineer or land surveyor. It shall not be the duty of the department to notify the holder of an engineer-in-training license or a surveyor-in-training license of the date of expiration of such license other than to publish it annually in the roster.

(3) Renewal of any license under this chapter or payment of renewal fees shall not be required of any licensee serving in the armed forces of the United States until the next renewal period immediately following the termination of such service or the renewal period following the fifth year after such licensee's entry into such service, whichever occurs first. The status of such licensees shall be indicated in the annual roster of professional engineers and land surveyors.

(b) Notwithstanding the provisions of subsection (a) of this section concerning fees, any person who is licensed under the provisions of this chapter, who is age sixty-five or over and who is no longer actively engaged in the practice of engineering or any of its branches, or land surveying, may renew such license annually upon payment of the professional services fee for class A, as defined in section 33-182*l*.

Section 28. Section 20-314 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

License qualifications. Examinations. Renewals. Fees. Reinstatement. Hearings. (a) Licenses shall be granted under this chapter only to persons who bear a good reputation for honesty, truthfulness and fair dealing and who are competent to transact the business of a real estate broker or real estate salesperson in such manner as to safeguard the interests of the public.

(b) Each application for a license or for a renewal thereof shall be made in writing, on such forms and in such manner as is prescribed by the Department of Consumer Protection and accompanied by such evidence in support of such application as is prescribed by the commission. The commission may require such information with regard to an applicant as the commission deems desirable, with due

regard to the paramount interests of the public, as to the honesty, truthfulness, integrity and competency of the applicant and, where the applicant is a corporation, association or partnership, as to the honesty, truthfulness, integrity and competency of the officers of such corporation or the members of such association or partnership.

(c) In order to determine the competency of any applicant for a real estate broker's license or a real estate salesperson's license the commission or Commissioner of Consumer Protection shall, on payment of an application fee of one hundred twenty dollars by an applicant for a real estate broker's license or an application fee of eighty dollars by an applicant for a real estate salesperson's license, subject such applicant to personal written examination as to the applicant's competency to act as a real estate broker or real estate salesperson, as the case may be. Such examination shall be prepared by the Department of Consumer Protection or by a national testing service designated by the Commissioner of Consumer Protection and shall be administered to applicants by the Department of Consumer Protection or by such testing service at such times and places as the commissioner may deem necessary. The commission or Commissioner of Consumer Protection may waive the uniform portion of the written examination requirement in the case of an applicant who has taken the national testing service examination in another state within two years from the date of application and has received a score deemed satisfactory by the commission or Commissioner of Consumer Protection. The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54, establishing passing scores for examinations. In addition to such application fee, applicants taking the examination administered by a national testing service shall be required to pay directly to such testing service an examination fee covering the cost of such examination. Each payment of such application fee shall entitle the applicant to take such examination within the one-year period from the date of payment.

(d) (1) Each applicant applying for a real estate broker's license on or after July 1, 2016, shall, before being admitted to such examination, prove to the satisfaction of the commission or the Commissioner of Consumer Protection that the applicant (A) (i) has been actively engaged for at least two years as a licensed real estate salesperson under the supervision of a licensed real estate broker in this state, (ii) has successfully completed a course approved by the commission or commissioner in real estate principles and practices of at least sixty classroom hours of study, (iii) has successfully completed a course approved by the commission or commissioner in real estate legal compliance consisting of at least fifteen classroom hours of study, (iv) has successfully completed a course approved by the commission or commissioner in real estate brokerage principles and practices consisting of at least fifteen classroom hours, and (v) has successfully completed two elective courses, each consisting of fifteen classroom hours of study, as prescribed by the commission or commissioner, or (B) has equivalent experience or education as determined by the commission or commissioner.

(2) The commission or the Commissioner of Consumer Protection shall waive the elective courses under subparagraph (A)(v) of subdivision (1) of this subsection if the applicant has successfully completed at least twenty real estate transactions within five years immediately preceding the date of application. As used in this subdivision, “real estate transaction” means any transaction in which real property is legally transferred to another party or in which a lease agreement is executed between a landlord and a tenant.

(3) Each applicant for a real estate salesperson's license shall, before being admitted to such examination, prove to the satisfaction of the commission or the Commissioner of Consumer Protection that the applicant (A) has successfully completed a course approved by the commission or commissioner in real estate principles and practices consisting of at least sixty classroom hours of study, or (B) has equivalent experience or education as determined by the commission or commissioner.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any renewal of a real estate broker's license, or a real estate salesperson's license issued prior to October 1, 1973.
(f) All licenses issued under the provisions of this chapter shall expire annually. At the time of application for a real estate broker's license, there shall be paid to the commission, for each individual applicant and for each proposed active member or officer of a firm, partnership, association or corporation, the sum of five hundred sixty-five dollars, and for the annual renewal thereof, the sum of three hundred seventy-five dollars, except that licenses expiring on March thirty-first 2021 shall be charged a prorated renewal fee to reflect the fact that the March 2021 renewal will expire on November thirtieth 2021. At the time of application [and] for a real estate salesperson's license there shall be paid to the commission two hundred eighty-five dollars and for the annual renewal thereof the sum of two hundred eighty-five dollars. Three dollars of each such annual renewal fee shall be payable to the Real Estate Guaranty Fund established pursuant to section 20-324a. [If a license is not issued, the fee shall be returned.] A real estate broker's license issued to any partnership, association or corporation shall entitle the individual designated in the application, as provided in section 20-312, upon compliance with the terms of this chapter, but without the payment of any further fee, to perform all of the acts of a real estate broker under this chapter on behalf of such partnership, association or corporation. Any license which expires and is not renewed pursuant to this subsection may be reinstated by the commission, if, not later than two years after the date of expiration, the former licensee pays to the commission for each real estate broker's license the sum of three hundred seventy-five dollars and for each real estate salesperson's license the sum of two hundred eighty-five dollars for each year or fraction thereof from the date of expiration of the previous license to the date of payment for reinstatement, except that any licensee whose license expired after such licensee entered military service shall be reinstated without payment of any fee if an application for reinstatement is filed with the commission within two years after the date of expiration. Any such reinstated broker license shall expire on the next succeeding [March thirty-first]November thirtieth, except that any[for real estate] broker[s] license that is reinstated before March thirty-first 2021 shall expire on[or] the next succeeding May thirty-first[for real estate salespersons].

(g) Any person whose application has been filed as provided in this section and who is refused a license shall be given notice and afforded an opportunity for hearing as provided in the regulations adopted by the Commissioner of Consumer Protection.

Section 29. Section 20-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Persons licensed in another state as a real estate broker or salesperson. Requirements for Connecticut license. Consent to suits and actions. (a) A person licensed in another state as a real estate broker or salesperson may become a real estate broker or real estate salesperson in this state by conforming to all of the provisions of this chapter. The commission or Commissioner of Consumer Protection shall recognize a current, valid license issued to a currently practicing, competent real estate broker or real estate salesperson by another state as satisfactorily qualifying the broker or salesperson for a license as a real estate broker or real estate salesperson under this chapter, provided (1) the laws of the state in which the broker or salesperson is licensed require that applicants for licenses as real estate brokers and real estate salespersons establish their competency by written examinations and allow licenses to be issued to residents of the state of Connecticut, licensed under this chapter, without examination, (2) the licensure requirements of such state are substantially similar to or higher than those of this state, and (3) the broker or salesperson has no disciplinary proceeding or unresolved complaint pending against the broker or salesperson. If the applicant is licensed in a state that does not have such requirements, such applicant shall be required to pass the Connecticut portion of the real estate examination.

(b) Every applicant licensed in another state shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court in any judicial district of the state in which a cause of action may arise or in which the plaintiff may reside, by the service of any process or pleading, authorized by the laws of this state, on the chairperson of the commission, such consent stipulating and agreeing that such service of such process or pleading shall be taken and held in all courts to be as valid and binding as if service had been made upon such applicant in the state of Connecticut. If any process or pleadings under this chapter are served upon the chairperson, it shall be by duplicate copies, one of which shall be filed in the office of the commission, and the other immediately forwarded [by registered or certified mail], to the applicant against whom such process or pleadings are directed, at the last-known address of such applicant as shown by the records of the department[commission]. No default in any such proceedings or action shall be taken unless it appears by affidavit of the chairperson of the commission that a copy of the process or pleading was mailed to the defendant as required by this subsection, and no judgment by default shall be taken in any such action or proceeding within twenty days after the date of mailing of such process or pleading to the out-of-state defendant.

Section 30. Section 20-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Renewal. Continuing education requirements. Regulations. (a) The commission shall authorize the Department of Consumer Protection to issue an annual renewal license to any applicant who possesses the qualifications specified in and otherwise has complied with the provisions of this chapter and any regulation adopted under this chapter. The commission shall authorize said department to issue an

annual renewal of a real estate broker's license to any entity licensed pursuant to subsection (b) of section 20-312, provided such entity: (1) Was so licensed as of September 30, 2005, notwithstanding the fact such entity does not meet the requirements for publicly traded corporations required by subdivision (3) of subsection (b) of section 20-312, or (2) changes its designated real estate broker pursuant to subsection (c) of section 20-312.

(b) There is hereby established an annual renewal license to be issued by the Department of Consumer Protection. Persons licensed in accordance with the provisions of this chapter shall fulfill a continuing education requirement. Applicants for an annual renewal license for real estate brokers or real estate salespersons shall, in addition to the other requirements imposed by the provisions of this chapter, in any even-numbered year, submit proof of compliance with the continuing education requirements of this subsection to the commission. [, accompanied by an] Each licensee shall pay an annual four[eight]-dollar continuing education processing fee to cover costs associated with the review and auditing of continuing education submissions. The continuing education requirement may be satisfied by successful completion of any of the following during the two-year period preceding such renewal: (1) A course or courses, approved by the commission, of continuing education in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, consisting of not less than twelve hours of classroom study; or (2) a written examination prepared and administered by either the Department of Consumer Protection, or by a national testing service approved by the department, which demonstrates a knowledge of current real estate practices and licensing laws; or (3) equivalent continuing educational experience or study as determined by regulations adopted pursuant to subsection (d) of this section. An applicant for examination under subdivision (2) of this subsection shall pay the required examination fee to the national testing service, if administered by such testing service, or to the Department of Consumer Protection, if administered by the department.

(c) If the commission refuses to grant an annual renewal license, the licensee or applicant, upon written notice received as provided for in this chapter, may have recourse to any of the remedies provided by sections 20-314 and 20-322.

(d) The Commissioner of Consumer Protection, in consultation with the commission, shall adopt regulations, in accordance with chapter 54, concerning the approval of schools, institutions or organizations offering courses in current real estate practices and licensing laws, including, but not limited to, practices and laws concerning common interest communities, and the content of such courses. Such regulations shall include, but not be limited to: (1) Specifications for meeting equivalent continuing educational experience or study; (2) exceptions from continuous education requirements for reasons of health or instances of individual hardship. No school, institution or organization that offers a course in current real estate practices and licensing laws may be disapproved solely because its courses are offered or taught by electronic means, and no course may be disapproved solely because it is offered or taught by electronic means.

Section 31. Subsection (d) of Section 20-427 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Holder to exhibit and advertise certificate, when. Prohibited acts. Penalties. Certificates not transferable. Expiration. Renewal. Building permits

(d) The commissioner may, after notice and hearing in accordance with the provisions of chapter 54, impose a civil penalty on any person who engages in or practices the work or occupation for which a certificate of registration is required by this chapter without having first obtained such a certificate of registration or who [willfully]willfully employs or supplies for employment a person who does not have such a certificate of registration or who [willfully]willfully and falsely pretends to qualify to engage in or practice such work or occupation, or who engages in or practices any of the work or occupations for which a certificate of registration is required by this chapter after the expiration of such person's certificate of registration or who violates any of the provisions of this chapter or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than five hundred dollars for a first violation of this subsection, not more than seven hundred fifty dollars for a second violation of this subsection occurring not more than three years after a prior violation, not more than one thousand five hundred dollars for a third or subsequent violation of this subsection occurring not more than three years after a prior violation and, in the case of radon mitigation work, such penalty shall be not less than two hundred fifty dollars. Any civil penalty collected pursuant to this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a.

Section 32. Subsection (f) of Section 20-427 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Holder to exhibit and advertise certificate, when. Prohibited acts. Penalties. Certificates not transferable. Expiration. Renewal. Building permits

(f) All certificates issued under the provisions of this chapter shall expire annually on March thirty-first, except that certificates which expire on November thirtieth 2020 shall be renewed on November thirtieth 2020 and will expire on March thirty-first 2021.The fee for renewal of a certificate shall be the same as the fee charged for an original application, except that certificates which expire on March thirty-first 2021, shall be charged a prorated renewal fee to reflect the portion of the year for which the certificate will be active.

Section 33. Subsection (d) of Section 21-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

License: Application. Fee. Renewal. Inspections.

(d) The department shall, upon receipt of a renewal application, accompanied by the annual license fee, [and after inspection of the mobile manufactured home park and determination that the park continues to conform with the requirements of this chapter,]issue a renewal license unless the park fails to conform with the requirements of this chapter based on an inspection, which shall have been done in the prior year.

Section 34. 20-678 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Prospective employees required to submit to comprehensive background check. Written statements re prior criminal convictions or disciplinary action. Maintenance and inspection of records. On or after January 1, 2012, each homemaker-companion agency, prior to extending an offer of employment or entering into a contract with a prospective employee, shall require such prospective employee to submit to a [comprehensive]state and national criminal background check. On or after October 1, 2020, no homemaker-companion agency shall extend an offer of employment or enter into a contract with a prospective employee who has been convicted of a crime described in 42 USC 1320a-7(a)(1), (2), (3) or (4) or a substantiated finding of neglect, abuse, physical harm or misappropriation of property by a state or federal agency if such conviction or release from incarceration related to such conviction has occurred within the last five years. In the event that an applicant has been convicted of an offense enumerated in this section, the homemaker-companion agency or the prospective employee may submit a written petition to the commissioner requesting a waiver based on the circumstances of such criminal conviction, which may be granted in the sole discretion of the commissioner. In addition, each homemaker-companion agency shall require that such prospective employee complete and sign a form which contains questions as to whether the prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any prospective employee who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor. Each homemaker-companion agency shall maintain a paper or electronic copy of any materials obtained during the comprehensive background check and shall make such records available for inspection upon request of the Department of Consumer Protection.

Section 34. 20-281fc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 20-281c. Certificate of certified public accountant. Good character, education, experience and examination requirements. Examination fee. Registration of certificate. Registration fee.

(a) The board shall grant the certificate of "certified public accountant" to any person who meets the good character, education, experience and examination requirements of subsections (b) to (d), inclusive, of this section and upon the payment of a fee of one hundred fifty dollars.

(b) Good character for purposes of this section means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the grounds of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by clear and convincing evidence, and when based upon the prior conviction of a crime, is in accordance with the provisions of section 46a-80. When an applicant is found to be unqualified for a certificate because of a finding of lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a complete record of the evidence upon which the determination was based.

(c) An applicant may apply to take the examination if such person[holds a baccalaureate degree, or its equivalent, conferred by a college or university acceptable to the board, with an accounting concentration or equivalent], at the time of the examination, completed not less than one hundred twenty (120) semester hours of education, as determined by the board by regulation to be appropriate. The educational requirements for a certificate shall be prescribed in regulations to be adopted by the board as follows:

(1) Until December 31, 1999, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by the board by regulation to be appropriate;

(2) After January 1, 2000, at least one hundred fifty semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board. The total educational program shall include an accounting concentration or equivalent, as determined by the board by regulation to be appropriate.

(d) The board may charge each applicant a fee, in an amount prescribed by the board by regulation, for each section of the examination or reexamination taken by the applicant, or the board may authorize a third party administering the examination to charge each applicant a fee for each section of the examination or reexamination taken by the applicant.

(e) The experience requirement for a certificate shall be as prescribed by the board by regulation.

(f) The holder of a certificate may register his certificate annually and pay a fee of forty dollars in lieu of an annual renewal of a license and such registration shall entitle the registrant to use the

abbreviation “CPA” and the title “certified public accountant” under conditions and in the manner prescribed by the board by regulation.

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020MedicalMarijuanaProgram

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien
Phone: 860-713-6208
E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Anti-Trust Issues and the Palliative Use of Marijuana

Statutory Reference: Chapter 420f

Proposal Summary: This proposal would create a process by which any proposed changes in ownership of any medical marijuana business licensed by the Department of Consumer Protection would be reviewed by the Office of the Attorney General to determine whether such transaction, if consummated, would violate the antitrust laws.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

Aims to address concerns regarding the potential of anti-competitive behavior within the Medical Marijuana Program.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Office of the Attorney General **Agency Contact (*name, title, phone*):** Nicole Lake **Date Contacted:** November 7, 2018 Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☒**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact None

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Currently, there is no process to address the potential for anticompetitive behavior within the state's medical marijuana market.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

Because Connecticut's program is unique, and this is an emerging market, there is no data currently available. As this market evolves, however, the Department anticipates the potential for anti-trust issues.

Insert fully drafted bill here

Chapter 420f – Medical Marijuana Antitrust Provision:

(a) Definitions

(1) "Material change" means (1) the addition of a dispensary facility backer or producer backer; (2) a change in the ownership interest of an existing dispensary facility backer or producer backer; (3) the merger, consolidation or other affiliations of a medical marijuana business with another person; (4) the acquisition of all or part of a medical marijuana business by another person; and (5) the transfer of assets or security interests from a medical marijuana business to another person.

(2) "Medical marijuana business" means a medical marijuana dispensary facility or production facility, licensed pursuant to Chapter 420f and the regulations promulgated thereunder.

(3) "Person" means any individual, firm, partnership, corporation, company, association, trust or other business or tribal entity.

(4) "Transfer" means to sell, transfer, lease, exchange, option, convey, give or otherwise dispose of or transfer control over, including, but not limited to, transfer by way of merger or joint venture not in the ordinary course of business.

(b) No person shall, directly or indirectly, enter into a transaction that results in a material change to a medical marijuana business, unless all persons involved in the transaction file a written notification with the Attorney General pursuant to subsection (c) and the waiting period described in subsection (d) has expired.

(c) The written notice required under subsection (b) of this section shall be in such form and contain such documentary material and information relevant to the proposed transaction as the Attorney General deems necessary and appropriate to enable the Attorney General to determine whether such transaction, if consummated, would violate the antitrust laws.

(d) The waiting period required under subsection (b) shall begin on the date of the receipt by the Attorney General's office of the completed notification required under subsection (c) from all parties to the transaction and shall end on the thirtieth (30) day after the date of such receipt unless such time is extended pursuant to subsection (f).

(e) The Attorney General may, in individual cases, terminate the waiting period specified in subsection (d) and allow any person to proceed with any transaction.

(f) The Attorney General may, prior to the expiration of the 30-day waiting period, require the submission of additional information or documentary material relevant to the proposed acquisition, from a person required to file notification with respect to such acquisition under subsection (b). Upon the request for additional information under this subsection, the waiting period shall be extended until the thirtieth (30) day after the parties have substantially complied, as determined solely by the Attorney General, with such request for additional information.

Any information or documentary material filed with the Attorney General pursuant to this section shall be exempt from disclosure under Section 1-200, et seq of the Connecticut General Statutes, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Such information or documentary material shall be returned to the person furnishing such information or documentary material upon the termination of the Attorney General's review or final determination of any action or proceeding commenced thereunder.

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020LegalDivision.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien
Phone: 860-713-6208
E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Legal Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Changes to the Consumer Protection Statutes

Statutory Reference: Sections 21a-279, 42-179(g), 42-181(c)(4), 42-181(b), 42-190

Proposal Summary:
Section 1 requires health clubs to remind consumers of auto-renewals 45 days prior.
Section 2 clarifies that when there is a Lemon Law settlement whereby the manufacturer voluntarily agrees to buy back a vehicle, that branding of the vehicle is required and establishes a timeline and a fine when the branding does not occur.
Section 3 establishes a 30 day timeline for the manufacturer to comply with an order when the arbitrator requires a buyback, and creates a $1000 per day fine if the buyback does not occur within said timeline and requires that notice be given, pre-sale, to a potential subsequent owner of an automobile if the seller filed a Lemon Law application.
Section 4 amends CGS Section 42-190 to provide a deadline by which car dealers must transfer the lemon law surcharges collected and also allows the Department to impose a fine for failure to transfer the surcharges.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

These proposals would further protect consumers have memberships at health clubs or have utilized the lemon law program for automobiles.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share: *(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* *(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* *(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* *(4) What was the last action taken during the past legislative session?* NA

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Motor Vehicles **Agency Contact (*name, title, phone*):** Millie Torres-Ferguson **Date Contacted:** 11/08/2019 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO** XX **Not Sure**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact NA

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

NA

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

The Department tracks complaints received from consumers by subject matter and anticipates that these changes will result in fewer complaints involving those who purchase pre-owned vehicles or enter into contracts with health clubs.

Insert fully drafted bill here

Section 1. Section 21a-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

Term of contract. Renewal. (a) No health club contract shall have a term for a period longer than twenty-four months. If a health club offers a contract of more than twelve months' term, it shall offer a twelve-month contract. If a health club sells a membership contract of more than twelve months' term, the health club shall not collect payment, in cash or its equivalent of more than fifty per cent of the entire consideration for the contract in advance of rendering services. The remainder of the cost of the contract shall be collected by the health club on a pro rata monthly basis during the term of the health club contract. Each contract shall have the prices for all contracts printed thereon.

(b) Written notice that a contract will automatically renew shall be provided by the health club to the consumer at the time of entering into the contract. No contract shall contain an automatic renewal clause except for a renewal for a period not to exceed one month. If such contract contains such a one-month automatic renewal clause, such renewal shall become effective only upon payment of the renewal price and such contract shall permit the buyer to cancel any further renewal upon no more than one month's notice, except that for any such contract where the term of the contract is forty-five days or greater written notice that the contract is soon subject to auto-renewal shall be provided by the health club to the consumer no sooner than 60 days prior to the expiration of term of the contract and no later than 45 days prior to the expiration of the term of the contract.

The price of any such renewal shall not increase or decrease unless the contract: (1) Discloses the amount of such increase or decrease or the method of calculating such increase or decrease in the price of such renewal, or (2) such information is otherwise provided to the buyer, in writing, no less than one month prior to such renewal except that for any such contract where the term of the contract is forty-five days or greater, such information shall be provided by the health club to the

consumer no sooner than 60 days prior to the expiration of term of the contract and no later than 45 days prior to the expiration of the term of the contract . Any renewal option for continued membership must be accepted by the buyer in writing, by electronic mail or facsimile and shall become effective only upon payment of the renewal price.

(c) Each health club shall post the prices and the three-day cancellation provisions, the disability provisions and the twenty-five mile moving provisions of all contracts in a conspicuous place where the contract is entered into.

Section 2. Section 42-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020)*:

New motor vehicle warranties. Leased vehicles. Resales. Transfers. Manufacturer buybacks. (a) As used in this chapter: (1) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, a lessee of a motor vehicle, any person to whom such motor vehicle is transferred during the duration of an express warranty applicable to such motor vehicle, and any person entitled by the terms of such warranty to enforce the obligations of the warranty; and (2) "motor vehicle" means a passenger motor vehicle, a passenger and commercial motor vehicle or a motorcycle, as defined in section 14-1, which is sold or leased in this state.

(b) If a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer, its agent or its authorized dealer during the period of two years following the date of original delivery of the motor vehicle to a consumer or during the period of the first twenty-four thousand miles of operation, whichever period ends first, the manufacturer, its agent or its authorized dealer shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of the applicable period.

(c) No consumer shall be required to notify the manufacturer of a claim under this section and sections 42-181 to 42-184, inclusive, unless the manufacturer has clearly and conspicuously disclosed to the consumer, in the warranty or owner's manual, that written notification of the nonconformity is required before the consumer may be eligible for a refund or replacement of the vehicle. The manufacturer shall include with the warranty or owner's manual the name and address to which the consumer shall send such written notification.

(d) If the manufacturer or its agents or authorized dealers are unable to conform the motor vehicle to any applicable express warranty by repairing or correcting any defect or condition which substantially impairs the use, safety or value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall replace the motor vehicle with a new motor vehicle acceptable to

the consumer, or accept return of the vehicle from the consumer and refund to the consumer, lessor and lienholder, if any, as their interests may appear, the following: (1) The full contract price, including but not limited to, charges for undercoating, dealer preparation and transportation and installed options, (2) all collateral charges, including but not limited to, sales tax, license and registration fees, and similar government charges, (3) all finance charges incurred by the consumer after he first reports the nonconformity to the manufacturer, agent or dealer and during any subsequent period when the vehicle is out of service by reason of repair, and (4) all incidental damages [as defined in section 42a-2-715], less a reasonable allowance for the consumer's use of the vehicle, if applicable. Incidental damages include compensation for any commercially reasonable charges or expenses with respect to: (1) Inspection, receipt, transportation, care or custody of motor vehicle; (2) Effecting cover, return or disposition of the motor vehicle; (3) Reasonable efforts to minimize or avoid the consequences of financial default related to the motor vehicle; and (4) Effectuating other remedies after a defect or condition that substantially impaired the motor vehicle has been reported to a dealership or manufacturer. No authorized dealer shall be held liable by the manufacturer for any refunds or vehicle replacements in the absence of evidence indicating that dealership repairs have been carried out in a manner inconsistent with the manufacturers' instructions. Refunds or replacements shall be made to the consumer, lessor and lienholder if any, as their interests may appear. A reasonable allowance for use shall be that amount obtained by multiplying the total contract price of the vehicle by a fraction having as its denominator one hundred twenty thousand and having as its numerator the number of miles that the vehicle traveled prior to the manufacturer's acceptance of its return. It shall be an affirmative defense to any claim under this section (1) that an alleged nonconformity does not substantially impair such use, safety or value or (2) that a nonconformity is the result of abuse, neglect or unauthorized modifications or alterations of a motor vehicle by a consumer.

(e) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties, if (1) the same nonconformity has been subject to repair four or more times by the manufacturer or its agents or authorized dealers during the period of two years following the date of original delivery of the motor vehicle to a consumer or during the period of the first twenty-four thousand miles of operation, whichever period ends first, but such nonconformity continues to exist or (2) the vehicle is out of service by reason of repair for a cumulative total of thirty or more calendar days during the applicable period, determined pursuant to subdivision (1) of this subsection. Such two-year period and such thirty-day period shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike or fire, flood or other natural disaster. No claim shall be made under this section unless at least one attempt to repair a nonconformity has been made by the manufacturer or its agent or an authorized dealer or unless such manufacturer, its agent or an authorized dealer has refused to attempt to repair such nonconformity.

(f) If a motor vehicle has a nonconformity which results in a condition which is likely to cause death or serious bodily injury if the vehicle is driven, it shall be presumed that a reasonable number of

attempts have been undertaken to conform such vehicle to the applicable express warranties if the nonconformity has been subject to repair at least twice by the manufacturer or its agents or authorized dealers within the express warranty term or during the period of one year following the date of the original delivery of the motor vehicle to a consumer, whichever period ends first, but such nonconformity continues to exist. The term of an express warranty and such one-year period shall be extended by any period of time during which repair services are not available to the consumer because of war, invasion, strike or fire, flood or other natural disaster.

(g) (1) No motor vehicle which is returned to any person pursuant to any provision of this chapter or in settlement of any dispute related to any complaint made under the provisions of this chapter and which requires replacement or refund shall be resold, transferred or leased in the state without clear and conspicuous written disclosure of the fact that such motor vehicle was so returned prior to resale or lease. Such disclosure shall be affixed to the motor vehicle and shall be included in any contract for sale or lease. The Commissioner of Motor Vehicles shall, by regulations adopted in accordance with the provisions of chapter 54, prescribe the form and content of any such disclosure statement and establish provisions by which the commissioner may remove such written disclosure after such time as the commissioner may determine that such motor vehicle is no longer defective. (2) For any motor vehicle subject to a complaint made under the provisions of this chapter, [If] if a manufacturer accepts the return of such a motor vehicle or compensates any person who accepts the return of such a motor vehicle [pursuant to subdivision (1) of this subsection], whether said return is pursuant to an arbitration award or settlement, such manufacturer shall stamp the words "MANUFACTURER BUYBACK-LEMON" clearly and conspicuously on the face of the original title in letters at least one-quarter inch high and, within ten days of receipt of the title, shall submit a copy of the stamped title to the Department of Motor Vehicles. The Department of Motor Vehicles shall maintain a listing of such buyback vehicles and in the case of any request for a title for a buyback vehicle, shall cause the words "MANUFACTURER BUYBACK-LEMON" to appear clearly and conspicuously on the face of the new title in letters which are at least one-quarter inch high. Any person who applies for a title shall disclose to the department the fact that such vehicle was returned as set forth in this subsection. (3) If a manufacturer accepts the return of a motor vehicle from a consumer due to a nonconformity or defect, in exchange for a refund or a replacement vehicle, whether as a result of an administrative or judicial determination, an arbitration proceeding or a voluntary settlement, the manufacturer shall notify the Department of Motor Vehicles and shall provide the department with all relevant information, including the year, make, model, vehicle identification number and prior title number of the vehicle. Such manufacturer shall stamp the words "MANUFACTURER BUYBACK-LEMON" clearly and conspicuously on the face of the original title in letters at least one-quarter inch high and, within ten days of receipt of the title, shall submit a copy of the stamped title to the Department of Motor Vehicles. The Commissioner of Motor Vehicles shall adopt regulations in accordance with chapter 54 specifying the format and time period in which such information shall be provided and the nature of any additional information which the commissioner may require. (4) The provisions of this subsection shall apply to motor vehicles originally returned in another state from a consumer due to a nonconformity or defect in exchange for a refund or replacement vehicle and which a lessor or

transferor with actual knowledge subsequently sells, transfers or leases in this state. If a manufacturer fails to brand a title pursuant to this subsection within ten days of assuming possession of the motor vehicle or compensating any person who accepts the return, the Department of Consumer Protection may impose on the manufacturer a fine of up to $10,000. Any such fines collected shall be deposited into the Consumer Protection Enforcement Fund Account.

(h) All express and implied warranties arising from the sale of a new motor vehicle shall be subject to the provisions of part 3 of article 2 of title 42a.

(i) Nothing in this section shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law.

(j) If a manufacturer has established an informal dispute settlement procedure which is certified by the Attorney General as complying in all respects with the provisions of Title 16 Code of Federal Regulations Part 703, as in effect on October 1, 1982, and with the provisions of subsection (b) of section 42-182, the provisions of subsection (d) of this section concerning refunds or replacement shall not apply to any consumer who has not first resorted to such procedure.

Section 3. Section 42-181 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020)*:

Department arbitration procedure. Records. Appeals. (a) The Department of Consumer Protection, shall provide an independent arbitration procedure for the settlement of disputes between consumers and manufacturers of motor vehicles which do not conform to all applicable warranties under the terms of section 42-179. The Commissioner of Consumer Protection shall appoint as arbitrators individuals who shall not be employees or independent contractors with any business involved in the manufacture, distribution, sale or service of any motor vehicle. The arbitrator shall be a member of an arbitration organization and shall serve with compensation. The Department of Consumer Protection may refer an arbitration dispute to the American Arbitration Association or other arbitration organization in accordance with regulations adopted in accordance with the provisions of chapter 54, provided such organization and any arbitrators appointed by such organization to hear cases shall not be affiliated with any motor vehicle manufacturer, distributor, dealer or repairer. Such arbitration organizations shall comply with the provisions of subsections (b) and (c) of this section.

(b) If any motor vehicle purchased at any time on or after October 1, 1984, or leased at any time on or after June 17, 1987, fails to conform to such applicable warranties as defined in said section 42-179, a consumer may bring a grievance to an arbitrator if the manufacturer of the vehicle has not established an informal dispute settlement procedure which the Attorney General has certified as complying in all respects with the requirements of said section 42-179. The consumer may initiate a

request for arbitration by calling a toll-free telephone number designated by the commissioner or by requesting an arbitration hearing in writing. The consumer shall file, on forms prescribed by the commissioner, any information deemed relevant to the resolution of the dispute and shall return the form accompanied by a filing fee of fifty dollars. Prior to submitting the complaint to an arbitrator, the Department of Consumer Protection shall conduct an initial review of the complaint. The department shall determine whether the complaint should be accepted or rejected for arbitration based on whether it alleges that the manufacturer has failed to comply with section 42-179. The filing fee shall be refunded if the department determines that a complaint does not allege a violation of any applicable warranty under the requirements of said section 42-179. Upon acceptance of the complaint, the commissioner shall notify the manufacturer of the filing of a request for arbitration and shall obtain from the manufacturer, in writing on a form prescribed by the commissioner, any information deemed relevant to the resolution of the dispute. The manufacturer shall return the form within fifteen days of receipt, together with a filing fee of two hundred fifty dollars. Upon written agreement of the parties, signed after the consumer has initiated a request for arbitration, the case may be presented to the arbitrator solely based on the written documents submitted by such parties. A lessee who brings a grievance to an arbitrator under this section shall, upon filing the complaint form provided for in this section, provide the lessor with notice by registered or certified mail, return receipt requested, and the lessor may petition the arbitrator to be made a party to the arbitration proceedings. Initial determinations to reject a complaint for arbitration shall be submitted to an arbitrator for a final decision upon receipt of a written request from the consumer for a review of the initial eligibility determination and a filing fee of fifty dollars. If a complaint is accepted for arbitration, an arbitrator may determine that a complaint does not allege that the manufacturer has failed to comply with section 42-179 at any time before such arbitrator renders its decision on the merits of the dispute. The fee accompanying the consumer's complaint form shall be refunded to the consumer and the fee accompanying the form filed by the manufacturer shall be refunded to the manufacturer if the arbitrator determines that a complaint does not allege a violation of the provisions of section 42-179.

(c) The Department of Consumer Protection shall investigate, gather and organize all information necessary for a fair and timely decision in each dispute. The commissioner may issue subpoenas on behalf of any arbitrator to compel the attendance of witnesses and the production of documents, papers and records relevant to the dispute. The department shall forward a copy of all written testimony, including all documentary evidence, to an independent technical expert certified by the National Institute of Automotive Service Excellence or having a degree or other credentials from a nationally recognized organization or institution attesting to automotive expertise, who shall review such material and be available to advise and consult with the arbitrator. An arbitrator shall, as expeditiously as possible, but not later than sixty days after the time the consumer files the complaint form together with the filing fee, render a fair decision based on the information gathered and disclose his or her findings and the reasons therefor to the parties involved. The failure of the arbitrator to render a decision within sixty days shall not void any subsequent decision or otherwise limit the powers of the arbitrator. The arbitrator shall base his or her determination of liability solely

on whether the manufacturer has failed to comply with section 42-179. The arbitration decision shall be final and binding as to the rights of the parties pursuant to section 42-179, subject only to judicial review as set forth in this subsection. The decision shall provide appropriate remedies, including, but not limited to, one or more of the following:

(1) Replacement of the vehicle with an identical or comparable new vehicle acceptable to the consumer;

(2) Refund of the full contract price, plus collateral charges as specified in subsection (d) of section 42-179;

(3) Reimbursement for expenses and compensation for incidental damages as specified in subsection (d) of section 42-179;

(4) Any other remedies available under the applicable warranties, section 42-179, this section and sections 42-182 to 42-184, inclusive, or the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, 88 Stat. 2183 (1975), 15 USC 2301 et seq., as in effect on October 1, 1982, other than repair of the vehicle. The decision shall specify a date for performance and completion of all awarded remedies. Notwithstanding any provision of the general statutes or any regulation to the contrary, the Department of Consumer Protection shall not amend, reverse, rescind or revoke any decision or action of an arbitrator. [The department shall contact the consumer, within ten business days after the date for performance, to determine whether performance has occurred.] The manufacturer shall act in good faith in abiding by any arbitration decision. In addition, either party to the arbitration may make application to the superior court for the judicial district in which one of the parties resides or, when the court is not in session, any judge thereof for an order confirming, vacating, modifying or correcting any award, in accordance with the provisions of this section and sections 52-417, 52-418, 52-419 and 52-420. Upon filing such application the moving party shall mail a copy of the application to the Attorney General and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the Attorney General. A review of such application shall be confined to the record of the proceedings before the arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in sections 52-418 and 52-419, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the award, or the stated findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. If it is determined by the court that the manufacturer has acted without good cause in bringing an appeal of an award, the court, in its discretion, may grant to the consumer his costs and reasonable attorney's fees. If the manufacturer fails to perform all awarded remedies by the date for performance specified by the arbitrator, and the enforcement of the award has not been stayed pursuant to subsection (c) of section 52-420, then

each additional day the manufacturer [wilfully] willfully fails to comply shall be deemed a separate violation for purposes of section 42-184. If the manufacturer fails to perform all awarded remedies by the date of performance specified by the arbitrator, and enforcement of the award has not been stayed pursuant to subsection (c) of section 52-240, the department may impose a fine of up to $1,000 per day until the manufacturer fully performs as specified by the award. Any such fines collected shall be deposited into the Consumer Protection Enforcement Fund Account.

(d) The department shall maintain such records of each dispute as the commissioner may require, including an index of disputes by brand name and model. The department shall annually compile and maintain statistics indicating the record of manufacturer compliance with arbitration decisions and the number of refunds or replacements awarded. A copy of the statistical summary shall be filed with the Commissioner of Motor Vehicles and shall be considered a factor in determining the issuance of any manufacturer license as required under section 14-67a. The summary shall be a public record.

(e) If a manufacturer has not established an informal dispute settlement procedure certified by the Attorney General as complying with the requirements of said section 42-179, public notice of the availability of the department's automobile dispute settlement procedure shall be prominently posted in the place of business of each new car dealer licensed by the Department of Motor Vehicles to engage in the sale of such manufacturer's new motor vehicles. Display of such public notice shall be a condition of licensure under sections 14-52 and 14-64. The Commissioner of Consumer Protection shall determine the size, type face, form and wording of the sign required by this section, which shall include the toll-free telephone number and the address to which requests for the department's arbitration services may be sent.

(f) Any consumer injured by the operation of any procedure which does not conform with procedures established by a manufacturer pursuant to subsection (b) of section 42-182 and the provisions of Title 16 Code of Federal Regulations Part 703, as in effect on October 1, 1982, may appeal any decision rendered as the result of such a procedure by requesting arbitration de novo of the dispute by an arbitrator. Filing procedures and fees for appeals shall be the same as those required in subsection (b) of this section. The findings of the manufacturer's informal dispute settlement procedure may be admissible in evidence at such arbitration and in any civil action subsequently arising out of any warranty obligation or matter related to the dispute. Any consumer so injured may, in addition, request the Attorney General to investigate the manufacturer's procedure to determine whether its certification shall be suspended or revoked after proper notice and hearing. The Attorney General shall establish procedures for processing such consumer complaints and maintain a record of the disposition of such complaints, which record shall be included in the annual report prepared in accordance with the provisions of subsection (a) of section 42-182.

(g) The Commissioner of Consumer Protection shall adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section. Written copies of the regulations and appropriate arbitration hearing procedures shall be provided to any person upon request.

(h) After a consumer submits the forms and fee pursuant to subsection (b) above and until such time that a decision or settlement is rendered, the consumer shall notify any individual or entity to whom he or she sells the motor vehicle that an action is pending with the department pursuant to this section. Said notice shall be given prior to the buyer's execution of the bill of sale, and shall include any case number or reference number provided by the department to the consumer. The consumer shall notify the department within five days of the buyer's execution of the bill of sale that the motor vehicle has been sold, provide the department with the name and contact information of the buyer, and attest that notice of the pending action was given to the buyer prior to the buyer's execution of the bill of sale.

Section 4. Section 42-190 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020)*:

Sec. 42-190. New automobile warranties account surcharge. Account. (a) A new automobile warranties account surcharge is hereby imposed on the sale or lease of each new motor vehicle, as defined in section 42-179, sold or leased in this state by any person licensed to offer such vehicles for sale under section 14-52. Such surcharge shall be in addition to any tax otherwise applicable to any such sales transaction.

(b) The surcharge assessed pursuant to this section shall be at a rate of three dollars per motor vehicle, as defined in section 42-179. Such surcharge shall be collected by each licensee under section 14-52 engaged in the sale or lease of motor vehicles, as defined in section 42-179, in this state. Said licensee shall pay the surcharges assessed during the prior calendar year to the Department of Consumer Protection in an annual lump sum payment on or before March 31 of each year. Failure to pay the surcharge due for any motor vehicle may result in a $2 late fee assessed per vehicle.

(c) Proceeds collected from surcharges assessed under this section shall be deposited in the new automobile warranties account established pursuant to subsection (d) of this section.

(d) There is established a separate, nonlapsing account, within the General Fund, to be known as the "new automobile warranties account". The account may contain any moneys required by law to be deposited in the account. The moneys in said account shall be allocated to the Department of Consumer Protection to carry out the purposes of this chapter.

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020GamingDivision.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien
Phone: 860-713-6208
E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Gaming Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Connecticut Lottery Corporation Delinquency Assessments

Statutory Reference: CGS Section 12-569

Proposal Summary:
Clarifies that simple interest calculations shall be applied to delinquency assessments imposed by the Connecticut Lottery Corporation.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

The statute is not clear and as such the Connecticut Lottery Corporation has been imposing delinquency assessments using compound interest calculations, based on an advisory opinion issued by the former Division of Special Revenue. The application of compound interest calculations makes it far more challenging, if not impossible, for some lottery sales agents in breach of their fiduciary duty to pay off their debt, and thus for the state to collect revenue owed.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share: *(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* *(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* *(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* *(4) What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Connecticut Lottery Corporation **Agency Contact (*name, title, phone*):** Andrew Walter, 860-713-2629 **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State Potential revenue once amount owed is realistic.
Federal None
Additional notes on fiscal impact It is difficult to calculate the potential revenue.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

None

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

NA

Insert fully drafted bill here

Sec. 12-569. Breach of fiduciary responsibility by lottery sales agent. (a) If the president of the Connecticut Lottery Corporation determines that any lottery sales agent has breached such agent's fiduciary responsibility to the corporation in that the account of such lottery sales agent with respect to moneys received from the sale of lottery tickets has become delinquent in accordance with regulations adopted as provided in section 12-568a, the president shall notify the commissioner of the breach of fiduciary duty and the commissioner shall impose a delinquency assessment upon such account equal to ten per cent of the amount due or ten dollars, whichever amount is greater, plus simple interest at the rate of one and one-half per cent of such amount for each month or fraction of a month from the date such amount is due to the date of payment. A delinquent lottery agent, whose delinquency assessment was subject to compounding interest, may submit a hardship waiver to the Commissioner requesting a reduction in the amount of interest delinquent, outstanding and payable in the future to an amount not less than the amount accrued based on simple interest. Subject to the provisions of section 12-3a, the commissioner may waive all or part of the penalties provided under this subsection when it is proven to the commissioner's satisfaction that the failure to pay such moneys to the state within the time allowed was due to reasonable cause and was not intentional or due to neglect. Any such delinquent lottery sales agent shall be notified of such delinquency assessment and shall be afforded an opportunity to contest the validity and amount of such assessment before the commissioner who may conduct such hearing. Upon request of the president of the Connecticut Lottery Corporation, the commissioner may prepare and sign a warrant

directed to any state marshal, constable or any collection agent employed by the Connecticut Lottery Corporation for distraint upon any property of such delinquent lottery sales agent within the state, whether personal or real property. An itemized bill shall be attached to the warrant certified by the commissioner as a true statement of the amount due from such lottery sales agent. Such warrant shall have the same force and effect as an execution issued in accordance with chapter 906. Such warrant shall be levied on any real, personal, tangible or intangible property of such agent and sale made pursuant to such warrant in the same manner and with the same force and effect as a levy and sale pursuant to an execution.

(b) The commissioner shall adopt regulations in accordance with chapter 54 to carry out the purposes of this section.

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020DrugControl.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien
Phone: 860-713-6208
E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Revisions to the Pharmacy and Drug Control Statutes

Statutory Reference: Sections 21a-319, 20-633b, and 20-614

Proposal Summary:

Section 1 amends Section 21a-319 so that the Department may deactivate the Controlled Substance Registration for any registrant who is no longer licensed by the Department of Public Health.

Section 2 adds new section, 20-633f, to allow for pharmacists to prescribe epinephrine auto injectors, under certain circumstances.

Section 3 amends 20-633b to increase from 10 to 60 days the required notice that sterile compounding pharmacies must give the department prior to remodeling, relocating, upgrading or repairing their facilities, and adds a requirement that they submit their plans remodeling, relocating, upgrading or repairing.

Section 4 amends Public Act No. 19-191 to clarify that the requirement for pharmacists to offer counseling to customers when dispensing medicine applies to controlled substances.

Section 5 amends CGS Section 21a-249 to allow for the transfer of electronically prescribed controlled substances from one pharmacy to another pharmacy.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

These proposals to the drug control and pharmacy statutes make changes to better ensure the

health and safety of the public.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share: *(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* *(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?* *(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?* *(4) What was the last action taken during the past legislative session?*

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: None **Agency Contact (*name, title, phone*):** **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact

NA

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

NA

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

NA

Insert fully drafted bill here

Section 1. Section 21a-319 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

Professional or institutional approval to precede registration. No certificate of registration shall be issued, maintained or renewed under this chapter unless or until the applicant has furnished proof satisfactory to the Commissioner of Consumer Protection that he or she is licensed or duly authorized to practice his or her profession by the appropriate state licensing board, commission or registration agency; or, in the case of a hospital or other institution, by the appropriate state agency having jurisdiction over the licensure, registration or approval of such establishment. The Commissioner of Consumer Protection may change the status of a controlled substance registration to inactive for any practitioner who fails to maintain a license, registration or approval of a license to practice his or her medical profession for greater than ninety days. Such change in license status shall not be considered disciplinary and the registration may be reinstated without additional fee, if the practitioner restores with the Department of Public Health, or associated board or commission, their license, registration or approval to practice his or her profession and the reinstatement occurs prior to the expiration of the controlled substance registration.

Section 2. (NEW) (*Effective from passage*):

Section 20-633f. Prescribing of epinephrine auto injector by licensed pharmacist under certain conditions. A pharmacist, in their professional discretion, may issue a prescription for an epinephrine auto injector defined as a prefilled auto injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions under the following conditions:

(1) The pharmacist can identify that the patient requesting the epinephrine auto injector has had the medication from another pharmacy;
(2) The pharmacist identifies the patient's current medical provider;
(3) The pharmacist informs the patient's current medical provider of the issuance of the prescription within 72 hours of dispensing by either phone, facsimile or electronic transmission;
(4) The prescription issued by the pharmacist is for no more than two epinephrine auto injectors; and
(5) The prescription issued by the pharmacist does not have any refills.

Nothing in this section would prevent the pharmacist from verifying the previous prescription at any pharmacy in any part of the United States including any state, district, commonwealth, territory or insular possession thereof, or any area subject to the legal authority of the United States of America.

Section 3. Subsection (f)(1) of section 20-633b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(f) (1) If a sterile compounding pharmacy plans to remodel <u>any area utilized for the compounding of sterile pharmaceuticals or adjacent space,</u> [a pharmacy clean room within the sterile compounding facility] relocate <u>any space utilized for the compounding of sterile pharmaceuticals</u> [a pharmacy clean room within the facility] or upgrade or conduct a nonemergency repair to the heating, ventilation, air conditioning, [or] primary engineering controls, <u>or secondary engineering controls</u> for <u>any space utilized for the compounding of sterile pharmaceuticals</u> [a pharmacy clean room within the facility], the sterile compounding pharmacy shall notify the Department of Consumer Protection<u>, in writing,</u> not later than <u>sixty</u> [ten] days prior to commencing such remodel, relocation, upgrade or repair <u>with the plan for such remodel, relocation, upgrade or repair for department review and approval</u>. If a sterile compounding pharmacy makes an emergency repair, the sterile compounding pharmacy shall notify the department in writing of such <u>emergency</u> [repair] <u>within 24 hours</u> after such repair is commenced.

Section 4. Subsection (d) of section 1 of Public Act 19-191 is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

(d) Prior to or simultaneous with the dispensing of a drug [pursuant to subsection (b) of this section], a pharmacist or other employee of the pharmacy shall, whenever practicable, offer for the pharmacist to discuss the drug to be dispensed and to counsel the patient on the usage of the drug, except when the person obtaining the prescription is other than the person named on the prescription form or electronic record or the pharmacist determines it is appropriate to make such offer in writing. Any such written offer shall include an offer to communicate with the patient either in person at the pharmacy or by telephone.

Section 5. Section 21a-249 is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 21a-249. (Formerly Sec. 19-457). Prescription requirements. (a) All prescriptions for controlled drugs shall include (1) the name and address of the patient, or the name and address of the owner of an animal and the species of the animal, (2) whether the patient is an adult or a child, or his specific age, (3) the compound or preparation prescribed and the amount thereof, (4) directions for use of the medication, (5) the name and address of the prescribing practitioner, (6) the date of issuance, and (7) the Federal Registry number of the practitioner. No prescription blank containing a prescription for a schedule II substance shall contain more than one prescription. No prescription or order for a controlled substance issued by a practitioner to an inanimate object or thing shall be considered a valid prescription within the meaning of this chapter.

(b) Each prescribing practitioner, as defined in section 20-14c, who the Department of Consumer Protection authorizes to prescribe controlled substances, within the scope of practice of his or her license, shall electronically transmit the controlled substance prescription to a pharmacy. Electronically transmitted prescriptions shall be promptly printed out in hardcopy or created as an electronic record and filed by the prescriber. Electronically transmitted prescriptions shall be consistent with the requirements of the federal Controlled Substances Act, 21 USC 801, as amended from time to time. All records shall be kept on file for three years at the premises of the licensed practitioner and maintained in such form as to be readily available for inspection by the commissioner, his or her authorized agent or other persons, as authorized in section 21a-265, at reasonable times. For purposes of this subsection and subsections (c), (d) and (e) of this section, the term "electronically transmit" means to transmit by computer modem or other similar electronic device.

(c) A licensed practitioner shall not be required to electronically transmit a prescription when:

(1) Electronic transmission is not available due to a temporary technological or electrical failure. In the event of a temporary technological or electrical failure, the practitioner shall, without undue

delay, reasonably attempt to correct any cause for the failure that is within his or her control. A practitioner who issues a prescription, but fails to electronically transmit the prescription, as permitted by this subsection, shall document the reason for the practitioner's failure to electronically transmit the prescription in the patient's medical record as soon as practicable, but in no instance more than seventy-two hours following the end of the temporary technological or electrical failure that prevented the electronic transmittal of the prescription. For purposes of this subdivision, "temporary technological or electrical failure" means failure of a computer system, application or device or the loss of electrical power to such system, application or device, or any other service interruption to such system, application or device that reasonably prevents the practitioner from utilizing his or her certified application to electronically transmit the prescription in accordance with subsection (b) of this section;

(2) The practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by an electronically transmitted prescription in a timely manner and that such delay would adversely impact the patient's medical condition, provided if such prescription is for a controlled substance, the quantity of such controlled substance does not exceed a five-day supply for the patient, if the controlled substance was used in accordance with the directions for use. A practitioner who issues a prescription, but fails to electronically transmit the prescription, as permitted by this subsection, shall document the reason for the practitioner's failure to electronically transmit the prescription in the patient's medical record;

(3) The prescription is to be dispensed by a pharmacy located outside this state. A practitioner who issues a prescription, but fails to electronically transmit the prescription, as permitted by this subsection, shall document the reason for the practitioner's failure to electronically transmit the prescription in the patient's medical record;

(4) Use of an electronically transmitted prescription may negatively impact patient care, such as a prescription containing two or more products to be compounded by a pharmacist, a prescription for direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion, a prescription that contains long or complicated directions, a prescription that requires certain elements to be included by the federal Food and Drug and Administration, or an oral prescription communicated to a pharmacist by a health care practitioner for a patient in a chronic and convalescent nursing home, licensed pursuant to chapter 368v; or

(5) The practitioner demonstrates, in a form and manner prescribed by the commissioner, that such practitioner does not have the technological capacity to issue electronically transmitted prescriptions. For the purposes of this subsection, "technological capacity" means possession of a computer system, hardware or device that can be used to electronically transmit controlled substance prescriptions consistent with the requirements of the federal Controlled Substances Act, 21 USC 801, as amended from time to time. The provisions of this subdivision shall not apply to a practitioner when such practitioner is prescribing as a telehealth provider, as defined in section 19a-906, pursuant to subdivision (2) of subsection (c) of said section.

(d) Any prescription issued in a form other than an electronically transmitted prescription pursuant to subsection (c) of this section may be issued as a written order or, to the extent permitted by

the federal Controlled Substance Act, 21 USC 801, as from time to time amended, as an oral order or transmitted by facsimile machine. Such oral order or order transmitted by facsimile machine shall be promptly reduced to writing on a prescription blank or a hardcopy printout or created as an electronic record and filed by the pharmacist filling it. No duplicate, carbon or photographic copies and no printed or rubber-stamped orders shall be considered valid prescriptions within the meaning of this chapter.

(e) Prescriptions for schedule II substances shall be electronically transmitted by the prescribing practitioner at the time of issuance and previously signed orders for such schedule II substances shall not be considered valid prescriptions within the meaning of this chapter. No practitioner shall prescribe, dispense or administer schedule II sympathomimetic amines as anorectics, except as may be authorized by regulations adopted by the Departments of Public Health and Consumer Protection acting jointly. To the extent permitted by the federal Controlled Substances Act, 21 USC 801, as from time to time amended, in an emergency, the dispensing of schedule II substances may be made upon the oral order of a prescribing registrant known to or confirmed by the filling pharmacist. The filling pharmacist shall promptly reduce such oral order to writing on a prescription blank, provided such oral order shall be confirmed by the proper completion and mailing or delivery of a prescription prepared by the prescribing registrant to the pharmacist filling such oral order within seventy-two hours after the oral order has been given. Such prescription of the registrant shall be affixed to the temporary prescription prepared by the pharmacist and both prescriptions shall be maintained on file as required in this chapter. The Department of Public Health and the Department of Consumer Protection, acting jointly, may adopt regulations, in accordance with chapter 54, allowing practitioners to prescribe, dispense or administer schedule II sympathomimetic amines as anorectics under certain specific circumstances. Nothing in this subsection shall be construed to require a licensed pharmacist to determine the diagnosis of a patient prior to dispensing a prescription for such substances to a patient.

(f) All prescriptions for controlled substances shall comply fully with any additional requirements of the federal food and drug laws, the federal Controlled Substances Act, and state laws and regulations adopted under this chapter.

(g) Repealed by P.A. 82-419, S. 46, 47.

(h) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug as determined under federal food and drug laws, shall not be dispensed without a written, electronically transmitted or oral prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

(i) A controlled substance included in schedule V shall not be distributed or dispensed other than for a medical purpose.

(j) A pharmacy may sell and dispense controlled substances upon the prescription of a prescribing practitioner, as defined in subdivision (22) of section 20-571.

(k) Pharmacies shall file filled prescriptions for controlled substances separately from other prescriptions. All schedule II prescriptions shall be filed in a separate file or in an electronic file. All schedule III, IV and V prescriptions shall be filed in another separate file or in an electronic file, except as otherwise provided for in regulations adopted pursuant to section 21a-243, 21a-244 or 21a-244a. All written controlled substance prescriptions shall, immediately upon filling, be filed chronologically and consecutively.

(l) Any pharmacy may transfer an unfilled prescription for a schedule II-V controlled substance that was electronically transmitted consistent with the federal Controlled Substances Act, 21 USC 801 as amended from time to time. The transfer of the unfilled electronic prescription can be performed by telephone or electronic transmission that is consistent with the any current Drug Enforcement Administration Policy or the federal Controlled Substances Act 21, USC 801, and must comply with the following:

(1)The pharmacy that received the original electronically transmitted prescription shall take measures to prevent the prescription from being filled at any pharmacy other than the pharmacy the prescription is being transferred. The pharmacy that received the original electronic prescription shall record the name, phone number, and address of the pharmacy receiving the transferred prescription and the name and license number of the pharmacist who received the prescription.

(2) The pharmacy receiving the transferred prescription shall record, (A) all information required on a prescription in CGS Section 21a-249(a) (B) the fact that the prescription has been transferred, (C) the name of the original pharmacy receiving the electronic prescription, (D) the date of issuance of the prescription, (E) the date of the transfer (F) and any refills issued for prescriptions in Schedule III, IV or V. A facsimile may be sent from the original receiving pharmacy with the prescription information for prescriptions that are being transferred via telephone.

(m)[(l)] Any pharmacy may transfer prescriptions for controlled substances included in schedules III, IV and V to any other pharmacy in accordance with the requirements set forth in the federal Controlled Substances Act 21 USC 801 et seq. and the regulations promulgated thereunder, as from time to time amended.

(n)[(m)] A practitioner authorized to prescribe controlled substances shall not prescribe anabolic steroids for the sole purpose of enhancing a patient's athletic ability or performance.

(o)[(n)] Each pharmacy, as defined in section 20-571, shall accept an electronically transmitted prescription for a controlled substance from a practitioner, as defined in section 21a-316. All records shall be kept on file for three years at the premises of the pharmacy and maintained current and separate from other business records in such form as to be readily available at the pharmacy for inspection by the Commissioner of Consumer Protection, his or her authorized agent or other persons, as authorized in section 21a-265, at reasonable times. Prescription records received from the practitioner electronically may be stored electronically, provided the files are maintained in the pharmacy computer system for not less than three years. If the electronically transmitted prescription is printed, it shall be filed as required in subsection (k) of this section.


STATE OF CONNECTICUT
QUI TRANSTULIT SUSTINET

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020LiquorControl.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection
Liaison: Leslie O'Brien **Phone:** 860-713-6208 **E-mail:** leslie.obrien@ct.gov
Lead agency division requesting this proposal: Liquor Control
Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Minor and Technical Revisions to the Liquor Control Act
Statutory Reference: Public Act No. 19-24l, Sections 30-7, 30-8, 30-17, 30-33, 30-36, 30-37, 30-39, 30-47, 30-51, 30-55, 30-56, 30-61,30-64b, 30-67, 30-68n, 30-74, 30-86, 30-93a and 30-113.
Proposal Summary: Section 1 makes minor, technical and conforming changes to the Liquor Control Act associated with the substantive changes passed in Public Act No. 19-24. Specifically, this section: amends the definition of "dining room;" deletes a reference to barroom partitions, and clarifies that minors may not sit or stand at a bar without being accompanied by a parent or guardian; deletes references to permits such as railroad, golf, coliseum concession, and bowling establishment permits that will no longer exist; deletes and inserts statutory cites, and newly defined terms such as "family brand" where necessary; clarifies that the sale or dispensing of liquor for off-premise consumption, including by a manufacturer permit for beer, cannot occur on Thanksgiving, New Year's Day and Christmas cannot sell for off-premise consumption on Thanksgiving; and deletes 30-91a(c) which is obsolete. Section 2 updates CGS Section 30-7 to remove the requirement that the Department publish, biennially and in pamphlet form, the regulations for the Liquor Control Act and furnish copies upon request. Maintains the requirement that the regulations be posted on the DCP website. Section 3 amends CGS Section 30-8 to remove shorter deadlines for investigation disclosure consistent with CUTPA and FOIA. Section 4 makes streamlining and clarifying changes to CGS Section 30-17. More specifically, makes it clear that: "just and sufficient cause" will be presumed in order to terminate a

distributorship between a wholesaler and manufacturer or out-of-state shipper when the wholesaler has not ordered a product for 18 months if that product was available during that period of time; and wholesaler permittees may offer industry members and its own staff free samples that it distributes for tasting on the wholesaler's premises.

Section 5 amends 30-33 to allow for two drink sale with concession permit, to be consistent with changes made to all other like venues permits in PA 19-24.

Section 6 revises CGS Section 30-35b to streamline the administration of provisional permits.

Section 7 makes a minor update to CGS Section 30-36, the druggist permit, to allow for delivery.

Section 8 makes a minor update to CGS Section 30-37, sales on prescriptions, by removing a reference to the Commission of Pharmacy and inserting the Department of Consumer Protection.

Section 9 amends CGS Section 30-37j to reaffirm that a caterer liquor permit may not be used in lieu of a restaurant permit.

Section 10 revises CGS Section 30-39 to reduce the amount of unnecessary paper retained by the Liquor Control Division by allowing the division to return applications where no action has occurred in 12 months.

Section 11 amends CGS Section 30-47 to fix the misspelling of "willfully."

Section 12 amends CGS Section 30-51 to change "sworn" to "affirmed."

Section 13 revises CGS Section 30-55 to clarify that fines on a permit are per violation and that the appeals of fines and conditions on permits shall be in accordance with the UAPA (CGS Section 4-183).

Section 14 updates CGS Section 30-56 to clarify that final decisions to suspend or revoke permits are under the UAPA (CGS Section 4-183) and that said decisions are immediately effective.

Section 15 amends CGS Section 30-59 to allow for notices of decision of any revocation or suspension of any a permit to be posted on the Department's website.

Section 16 updates CGS Section 30-61 by removing "secretary of the commission" which is now obsolete.

Section 17 revises CGS Section 30-64b to clarify that CUTPA can be used in cases of unfair pricing, which current practice and already legally permissible.

Sections 18 amends CGS Section 30-67, which addresses Liquor Control penalties, to conform with CGS Section 30-55, revocation and suspension of permits.

Sections 19 and 20 amend CGS Sections 30-68n and 30-74, both changes clarify current practice. Section 19 makes it clear that merchandise, novelties and other items are not permissible manufacturer's rebates and that permittees cannot require the purchase of liquor in order to receive merchandise, novelties and other items; and section 20 spells out that drive-up parking spots cannot be utilized to deliver liquor that was purchased through the Internet or any other on-line computer network.

Sections 21, 22 and 23 amend CGS Sections 30-86, Sale or delivery to minors, intoxicated persons and habitual drunkards, 30-93a, Regulations of shipments into the state, and 30-113, Penalties, to conform with CGS Section 30-55, revocation and suspension of permits.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

To address issues the Department discovered while working on the implementation of PA 19-24 and to make other minor, technical and clarifying changes to the Liquor Control Act.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: None **Agency Contact (*name, title, phone*):** **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact NA

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

NA

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about

the evidence base for a variety of programs.

NA

Insert fully drafted bill here

Section 1. Amendments to PA 19-24 (*Effective from passage)*:

Note: This section was drafted as if PA 19-24 is fully codified into CGS.

Sec. 30-1. Definitions. For the interpretation of this chapter, unless the context indicates a different meaning:

1) "Airline" means any United States airline carrier, holding a certificate of public convenience and necessity from the Civil Aeronautics Board under Section 401 of the Federal Aviation Act of 1958, as amended, or any foreign flag carrier, holding a permit under Section 402 of such act.

(2) "Alcohol" means the product of distillation of any fermented liquid, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol which is considered nonpotable.

(3) "Alcoholic liquor" or "alcoholic beverage" includes the four varieties of liquor defined in subdivisions (2), (5), (16) and (17) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being for beverage purposes. Any liquid or solid containing more than one of the four varieties so defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the following order: Alcohol, spirits, wine and beer, except as provided in subdivision (20) of this section. The provisions of this chapter shall not apply to any liquid or solid containing less than one-half of one per cent of alcohol by volume.

(4) "Backer" means, except in cases where the permittee is himself the proprietor, the proprietor of any business or club, incorporated or unincorporated, engaged in the manufacture or sale of alcoholic liquor, in which business a permittee is associated, whether as employee, agent or part owner.

(5) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water.

(6) (A) "Case price" means the price of a container of cardboard, wood or other material, containing units of the same size and class of alcoholic liquor, and (B) a case of alcoholic liquor, other than beer, cordials, cocktails, wines and prepared mixed drinks, shall be in the number and quantity, or fewer, with the permission of the Commissioner of Consumer Protection, of units or bottles as follows: (i) Six one thousand seven hundred fifty milliliter bottles; (ii) twelve one liter bottles; (iii) twelve seven hundred fifty milliliter bottles; (iv) twenty-four three hundred seventy-five milliliter bottles; (v) forty-eight two hundred milliliter bottles; (vi) sixty one hundred milliliter bottles; or (vii) one hundred twenty fifty milliliter bottles, except a case of fifty milliliter bottles may be in a number and quantity as originally configured, packaged and sold by the manufacturer or out-of-state

shipper prior to shipment, provided such number of bottles does not exceed two hundred. The commissioner shall not authorize fewer numbers or quantities of units or bottles as specified in this subdivision for any one person or entity more than eight times in any calendar year. For the purposes of this subdivision, "class" has the same meaning as defined in 27 CFR 5.22 for spirits, as defined in 27 CFR 4.21 for wine, and as defined in 27 CFR 7.24 for beer.

(7) "Charitable organization" means any nonprofit organization organized for charitable purposes to which has been issued a ruling by the Internal Revenue Service classifying it as an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(8) "Coliseum" means a coliseum as defined in section 30-33a, as amended by this act.

(9) "Commission" means the Liquor Control Commission and "department" means the Department of Consumer Protection.

(10) "Mead" means fermented honey, with or without adjunct ingredients or additions, regardless of alcohol content, regardless of process, and regardless of being sparkling, carbonated or still.

(11) "Minor" means any person under twenty-one years of age.

(12) "Person" means natural person including partners but shall not include corporations, limited liability companies, joint stock companies or other associations of natural persons.

(13) "Proprietor" shall include all owners of businesses or clubs, included in subdivision (4) of this section, whether such owners are individuals, partners, joint stock companies, fiduciaries, stockholders of corporations or otherwise, but shall not include persons or corporations who are merely creditors of such businesses or clubs, whether as note holders, bond holders, landlords or franchisors.

(14) "Dining room" means a room or rooms in premises operating under a hotel permit, hotel beer permit, restaurant permit, restaurant permit for beer, [railroad permit, or boat permit] or café permits as defined in subsections 30-22a(j) and (k), where meals are customarily served, within the room or rooms, to any member of the public who has means of payment and proper demeanor.

(15) "Restaurant" means a restaurant as defined in section 30-22, as amended by this act.

(16) "Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whiskey and gin.

(17) "Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, such as grapes or apples or other agricultural products, containing sugar, including fortified wines such as port, sherry and champagne.

(18) "Nonprofit public television corporation" means a nonprofit public television corporation as defined in section 30-37d.

Sec. 30-6c. Amendment of regulations concerning barroom partition requirements for restaurant and cafe permits. [The Department of Consumer Protection shall, pursuant to section 30-6a, amend the regulations of Connecticut state agencies, in accordance with the provisions of chapter 54, to: (1) Allow the Commissioner

of Consumer Protection, or his or her designee, to grant an exemption from the requirement that premises operating pursuant to restaurant and cafe permits have separate toilet facilities for men and women which may be reached without passing through the barroom, and (2) add a provision that, during said department's plan review for new applications for restaurant and cafe permits, the applicant may request and said department may grant an exception to the effective separation requirement regarding separation of the dining room or lounge from the barroom where the cafe is to consist of more than one public room.] Section 30-6c is repealed.

Sec. 30-12. Liquor permit contrary to vote void. When any town has so voted upon the question of liquor permits, any liquor permit granted in such town which is not in accordance with such vote shall be void except manufacturer permits[, railroad permits and golf country club permits] and café permits as defined in subsections 30-22a(g) and 30-22a(k).

Sec. 30-13a. Prior vote not to apply to sale [under]of a golf country club[permit]. Referendum requirement. In any case in which a town has, under the provisions of this part, acted, prior to October 1, 1965, to prohibit the sale of alcoholic liquor or restrict such sale to beer only, such action shall not apply to the sale of alcoholic liquor under a [golf country club permit] café permit as defined in subsection 30-22a(g), except that the granting of any such permit by the Department of Consumer Protection shall be subject to the provisions of section 30-25a, provided any such permit issued prior to October 1, 1973, shall be subject to the provisions of said section 30-25a only if the holder fails to renew such permit or it is revoked by the department for cause.

Sec. 30-14. Nature and duration of permit. Renewal by transferee or purchaser of permit premises. (a) A permit shall be a purely personal privilege that expires annually, except a permit issued under sections 30-25, 30-35, 30-37b, 30-37d, 30-37g and 30-37h, and revocable in the discretion of the Department of Consumer Protection subject to appeal as provided in section 30-55. A permit shall not constitute property, nor shall it be subject to attachment and execution, nor shall it be alienable, except that it shall descend to the estate of a deceased permittee by the laws of testate or intestate succession. [A railroad permit or an] An airline permit and a café permit as defined in subsection 30-22a(k) shall be granted to the [railroad corporation or] airline corporation or railway corporation and not to any person, and the corporation shall be the permittee.

(b) Any permit in this part, except a permit issued under sections 30-25, 30-35, 30-37b, 30-37d, 30-37g and 30-37h, may be issued for a continuous period of not more than six consecutive calendar months, at two-thirds of regular fees, but rebate of fees shall not be permitted for any unexpired portion of the term of a permit revoked by reason of a violation of any provision of this chapter.

(c) The executors or administrators of the estate of any deceased permittee, and the trustees of any insolvent or bankrupt estate of a permittee, when such estate consists in whole or in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt permittee for a period not exceeding six months after the date of such decease or of such insolvency or bankruptcy, or until such time as the applicable permit expires, whichever date is later. A certified copy of the order of the court authorizing the continuance of such business shall be filed with the department. In the event of the death, insolvency or bankruptcy of a backer, the permittee of such backer shall have the same rights and privileges as set forth in this section, provided, in addition to the order of said court, the executor or administrator of the estate of any deceased backer, or the trustee of any insolvent or bankrupt estate of a backer, shall file a notice with the department that he has authorized such permittee to continue such business.

(d) Notwithstanding any provision of this section, a package store permit may be renewed by a transferee or purchaser of permit premises under section 30-14a.

Sec. 30-22c. Juice bars. Notification of local police re scheduled events. Requirements. Penalties. (a) As used in this section, "juice bar or similar facility" means an area within a permit premises in which nonalcoholic beverages are served to minors, and "permit premises" means premises operated under a cafe permit.

(b) The holder of a cafe permit as defined in subsection 30-22a(a) may operate a juice bar or similar facility at a permit premises if the juice bar or similar facility is limited to a room or rooms or separate area within the permit premises wherein there is no sale, consumption, dispensing or presence of alcoholic liquor.

(c) The holder of a cafe permit shall provide written notice to the chief law enforcement officer of the town in which such permit premises is located in advance of specific dates and hours of any scheduled event at which the permit premises or a portion thereof will be used to operate a juice bar or similar facility. Such notice shall be sent (1) by certified mail, or by electronic mail to the designated electronic mail address for the chief law enforcement officer, and (2) in a manner so it is received by such chief law enforcement officer not less than five days, and not more than thirty days, prior to the date of such scheduled event. The chief law enforcement officer of the town in which such permit premises is located may designate one or more law enforcement officers to attend any such scheduled event at the cost of such permit holder.

(d) Nothing in this section shall exempt the holder of a cafe permit from compliance with any other provisions of the general statutes or regulations of Connecticut state agencies concerning minors, including, but not limited to, the prohibition against the sale of alcoholic liquor to minors. The presence of alcoholic liquor or the sale or dispensing to or consumption of alcoholic liquor by a minor at a juice bar or similar facility is prohibited.

(e) A permittee or agent or employee of a permittee who operates a juice bar or similar facility at a permit premises may serve alcoholic liquor during the hours of operation of such juice bar or similar facility only to a person who is twenty-one years of age or older and who is wearing a conspicuous wristband that has been issued to the person wearing it by the permittee or agent or employee of the permittee to indicate that the permittee or agent or employee of the permittee has verified that such person is twenty-one years of age or older.

(f) Any permittee or agent or employee of a permittee convicted of a violation of any provision of this section shall (1) (A) for a first offense, be fined not more than two thousand five hundred dollars, (B) for a second offense, be fined not more than five thousand dollars, and (C) for a third or subsequent offense, be fined not more than ten thousand dollars, or (2) be imprisoned not more than one year for a first, second, third or subsequent offense, or (3) be both fined and imprisoned.

Sec. 30-24. Spouses of club and golf country club members. Spouses of members of any club or golf country club which holds a permit under [the provisions of this chapter] subsections 30-22a(g) or (h) may be allowed to participate in all of the privileges of said club or golf country club, by vote of said members, and shall not be considered guests for purposes of the general statutes or regulations of the Department of Consumer Protection.

Sec. 30-24b. Auxiliary club members. Auxiliary members who are spouses of members or surviving spouses of former deceased members of any club as defined in subsections 30-22a (g)-(i) which holds a permit under the provisions of this chapter may be allowed to participate in all the privileges of such club, by vote of such club members and shall not be considered guests for purposes of the general statutes or regulations of the Department of Consumer Protection.

Sec. 30-25. Special club permit for picnics. (a) A special club permit shall allow the sale of alcoholic liquor by the drink at retail to be consumed at the grounds of an outdoor picnic conducted by a club or golf country club. Such permits shall be issued only to holders of [club or golf country club permits] a café permit as defined in subsections 30-22a (g)-(i) and shall be issued on a daily basis subject to the hours of sale in section 30-91, and shall be the same as provided therein for clubs and golf country clubs. The exception that applies to [railroad and boat permits] café permits as defined in subsections 30-22a(j)-(k) in section 30-48 shall apply to such a special club permit. No such club or golf country club shall be granted more than four such special club permits during any one calendar year.

(b) The Department of Consumer Protection shall have full discretion in the issuance of such special club permits as to suitability of place and may make any regulations with respect thereto.

(c) The fee for such a special club permit shall be fifty dollars per day.

Sec. 30-25a. Club permit in no-permit towns. Notwithstanding any provision of part III of this chapter, but subject to the approval by referendum of the municipality wherein the golf club is located, a [club permit] café permit as defined in subsection 30-22a(g) shall be granted by the Department of Consumer Protection, in the manner provided in section 30-39, to any golf club which has been in existence as a bona fide organization for at least five years and which maintains a golf course of not less than eighteen holes and a course length of at least fifty-five hundred yards, and a club house with full facilities, including locker rooms, a restaurant and a lounge, to serve only members and their guests, but no outside parties or groups of nonmembers. The cost of such referendum shall be borne by such golf club.

Sec. 30-37f. [Airport permit.] Leasing and concessions. Access requirements. Excepted from local option, discretionary disapproval. (a) Notwithstanding the provisions of any general statute or regulation to the contrary, (1) the state of Connecticut, as owner or lessor of premises at Bradley International Airport, shall be permitted to enter into an arrangement with any concessionaire or lessee holding a permit or permits at Bradley International Airport, and receive payments from such concessionaire or lessee, without regard to the level or percentage of gross receipts from the gross sales of alcoholic liquor by such concessionaire or lessee; (2) any person may be a permittee for more than one [airport permit or class of airport permit] cafe permit as defined in subsection 30-22a(d); and (3) any area subject to a permit in Bradley International Airport that is contiguous to or within any concourse area shall not be required to provide a single point of egress or ingress or to effectively separate the bar area or any dining area from the concourse area by means of partitions, fences, or doors, provided that a permittee of such area may be required by the Department of Consumer Protection to provide a barrier to separate the back bar area from the concourse area to prevent public access to the portion of the back bar area from which liquor is dispensed, if physically practicable.

(b) Sections 30-9 to 30-13a, inclusive, section 30-23, subdivision (2) of subsection (b) of section 30-39, subsection (c) of section 30-39 and sections 30-44, 30-46, 30-48a and 30-91a shall not apply to [any class of airport permit] a cafe permit as defined in subsection 30-22a(d).

Sec. 30-38. Storage of liquor. Approval of facilities. Each permit granted under the provisions of section 30-16, 30-17, 30-20, [30-20a,] 30-21, 30-21b, 30-22, 30-22a, [30-23, 30-24a, 30-26, 30-28,] 30-28a, [30-29,] 30-33a, [30-33b,] and 30-36, [30-37c or 30-37e,] shall also, under the regulations of the Department of Consumer Protection, allow the storage, on the premises and at one other secure location registered with and approved by the department, of sufficient quantities of alcoholic liquor respectively allowed to be sold under such permits as may be necessary for the business conducted by the respective permittees or their backers; but

no such permit shall be granted under the provisions of section 30-16 or 30-17 unless such storage facilities are provided and the place of storage receives the approval of the department as to suitability, and thereafter no place of storage shall be changed nor any new place of storage utilized without the approval of the department.

Sec. 30-39. Applications for permits, renewals. Fees. Publication, remonstrance, hearing. (a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date.

(b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make a sworn application therefor to the Department of Consumer Protection upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local ordinances concerning hours and days of sale shall not apply to [any class of airport permit] a café permit as defined by 30-22a(d). The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license with such application if such license was issued by the Department of Consumer Protection. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant.

(2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization, including a nonprofit public television corporation, a nonprofit golf tournament permit, a temporary permit or a special club permit; and for all other permits in the amount of one hundred dollars for the filing of an initial application. Any permit issued shall be valid only for the purposes and activities described in the application.

(3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four

feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, [railroad permits, boat permits,] café permits as defined in subsections 30-22a (j) –(k), warehouse permits, brokers' permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, [coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits,] nonprofit golf tournament permits, nonprofit public television permits and renewals. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official.

(4) In any case in which a permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required.

(c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. At any time prior to the issuance of a decision by the department, a remonstrance may be withdrawn by the remonstrants or by such agent or agents acting on behalf of such remonstrants and the department may cancel the hearing or withdraw the case. The decision of the department on such application shall be final with respect to the remonstrance.

(d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. Six months' or seasonal permits may be renewed, provided the renewal application and fee shall be filed at least twenty-one days before the reopening of the business, there is no change in the permittee, ownership or type of permit, and the permittee or backer did not receive a rebate of the permit fee with respect to the permit issued for the previous year.

(e) The department may renew a permit that has expired if the applicant pays to the department a nonrefundable late fee pursuant to subsection (c) of section 21a-4, which fee shall be in addition to the fees prescribed in this chapter for the permit applied for. The provisions of this subsection shall not apply to one-day

permits, to any permit which is the subject of administrative or court proceedings, or where otherwise provided by law.

Sec. 30-45. Mandatory refusal of permits to certain persons. Exceptions. The Department of Consumer Protection shall refuse permits for the sale of alcoholic liquor to the following persons: (1) Any state marshal, judicial marshal, judge of any court, prosecuting officer or member of any police force, (2) a minor, and (3) any constable who performs criminal law enforcement duties and is considered a peace officer by town ordinance pursuant to the provisions of subsection (a) of section 54-1f, any constable who is certified under the provisions of sections 7-294a to 7-294e, inclusive, who performs criminal law enforcement duties pursuant to the provisions of subsection (c) of section 54-1f, or any special constable appointed pursuant to section 7-92. This section shall not apply to out-of-state shippers' permits, [boat] café permits as defined in subsection 30-22a(j) and airline permits. As used in this section, "minor" means a minor, as defined in section 1-1d or as defined in section 30-1, whichever age is older.

Sec. 30-46. Discretionary suspension, revocation or refusal of permit; location or character of premises; other grounds. (a) The Department of Consumer Protection may, except as to a store engaged chiefly in the sale of groceries, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if it has reasonable cause to believe: (1) That the proximity of the permit premises will have a detrimental effect upon any church, public or parochial school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp, barracks or flying field of the armed forces; (2) that such location is in such proximity to a no-permit town that it is apparent that the applicant is seeking to obtain the patronage of such town; (3) that the number of permit premises in the locality is such that the granting of a permit is detrimental to the public interest, and, in reaching a conclusion in this respect, the department may consider the character of, the population of, the number of like permits and number of all permits existent in, the particular town and the immediate neighborhood concerned, the effect which a new permit may have on such town or neighborhood or on like permits existent in such town or neighborhood; (4) that the place has been conducted as a lewd or disorderly establishment; (5) that the backer does not have a right to occupy the permit premises; (6) that drive-up sales of alcoholic liquor are being made at the permit premises; or (7) that there is any other reason as provided by state or federal law or regulation which warrants such refusal.

(b) (1) The existence of a coliseum permit [or a coliseum concession permit] shall not be a factor to be taken into consideration under subdivision (3) of subsection (a) of this section. (2) The provisions of subdivisions (1), (2) and (3) of subsection (a) of this section shall not apply to the granting of a coliseum permit [or a coliseum concession permit]. [(3) The provisions of subdivisions (1), (2), (3), (5) and (6) of subsection (a) of this section shall not apply to the granting of any special sporting facility permit provided for in section 30-33b.]

[(c) Alcoholic liquor may be sold at retail for consumption within a special sporting facility only under the permits provided for in section 30-33b. The number of permits of any class, the location where alcoholic liquor is to be sold under any such permit, the number of locations to be operated under a special sporting facility concession permit, and the areas within such facility where alcoholic liquor may be consumed shall be determined by the Department of Consumer Protection in its discretion.]

Sec. 30-46a. Permit for restaurant within a coliseum. The issuance of a coliseum permit [or a coliseum concession permit, or both,] shall not prohibit the issuance of a restaurant permit permitted under this chapter for a restaurant within a coliseum.

Sec. 30-48. Limitations of permits; exceptions. Loans. Period of credit. Resolution of credit disputes. (a) No backer or permittee of one permit class shall be a backer or permittee of any other permit class except in the

case of [any class of airport, railroad, airline and boat permits] café permits as defined in subsections 30-22a(d), (j). and (k), and except that: (1) A backer of a hotel or restaurant permit may be a backer of both such classes; (2) a holder or backer of a restaurant permit or a cafe permit as defined in subsection 30-22a(a) may be a holder or backer of any other or all of such classes; (3) a holder or backer of a restaurant permit may be a holder or backer of a [bowling establishment permit] café permit as defined in subsection 30-22a(f); (4) a backer of a restaurant permit may be a backer of a coliseum permit [or a coliseum concession permit, or both,] when such restaurant is within a coliseum; (5) a backer of a hotel permit may be a backer of a coliseum permit [or a coliseum concession permit, or both]; [(6) a backer of a coliseum permit may be a backer of a coliseum concession permit; (7) a backer of a coliseum concession permit may be a backer of a coliseum permit;] [(8)] (6) a backer of a grocery store beer permit may be a backer of a package store permit if such was the case on or before May 1, 1996; [(9)] (7) a backer of a [university permit] café permit as defined in subsection 30-22a(m) may be a backer of a nonprofit theater permit; [(10)] (8) a backer of a nonprofit theater permit may be a holder or backer of a hotel permit; [(11) a holder or backer of a restaurant permit may be a holder or backer of a special outing facility permit; (12)] (9) a backer of a concession permit may be a backer of a coliseum permit [or a coliseum concession permit, or both; (13)] (10) a holder of an out-of-state winery shipper's permit for wine may be a holder of an in-state transporter's permit or an out-of-state entity wine festival permit issued pursuant to section 30-37m, or of both such permits; [(14)] (11) a holder of an out-of-state shipper's permit for alcoholic liquor other than beer may be a holder of an in-state transporter's permit; [(15)] (12) a holder of a manufacturer permit for a farm winery or the holder of a manufacturer permit for wine, cider and mead may be a holder of an in-state transporter's permit, a wine festival permit issued pursuant to section 30-37*l*, as amended by this act, a farmers' market [wine] sales permit issued pursuant to subsection (a) of section 30-37o, an off-site farm winery sales and tasting permit issued pursuant to section 30-16a or of any combination of such permits; and [(16)] (13) a holder of a manufacturer permit for beer, [manufacturer permit for a brew pub, manufacturer permit for beer and brew pub or manufacturer permit for a farm brewery] may be a holder of a farmers' market [beer] sales permit issued pursuant to section 30-37o, as amended by this act[.]; [Any person may be a permittee of more than one permit.] and (17) the holder of a manufacturer permit for spirits, a manufacturer permit for beer, a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead may be a holder of a Connecticut craft cafe permit, a restaurant permit or a restaurant permit for wine and beer. Any person may be a permittee of more than one permit. No holder of a manufacturer permit for a brew pub and no spouse or child of such holder may be a holder or backer of more than three restaurant permits or cafe permits.

(b) No permittee or backer thereof and no employee or agent of such permittee or backer shall borrow money or receive credit in any form for a period in excess of thirty days, directly or indirectly, from any manufacturer permittee, or backer thereof, or from any wholesaler permittee, or backer thereof, of alcoholic liquor or from any member of the family of such manufacturer permittee or backer thereof or from any stockholder in a corporation manufacturing or wholesaling such liquor, and no manufacturer permittee or backer thereof or wholesaler permittee or backer thereof or member of the family of either of such permittees or of any such backer, and no stockholder of a corporation manufacturing or wholesaling such liquor shall lend money or otherwise extend credit, directly or indirectly, to any such permittee or backer thereof or to the employee or agent of any such permittee or backer. A wholesaler permittee or backer, or a manufacturer permittee or backer, that has not received payment in full from a retailer permittee or backer within thirty days after the date such credit was extended to such retailer or backer or to an employee or agent of any such retailer or backer, shall give a written notice of obligation to such retailer within the five days following the expiration of the thirty-day period of credit. The notice of obligation shall state: The amount due; the date credit was extended; the date the thirty-day period ended, and that the retailer is in violation of this section. A retailer who disputes the accuracy of the "notice of obligation" shall, within the ten days following the expiration of the thirty-day period of credit, give a written response to notice of obligation to the department and give a copy to the wholesaler or manufacturer who sent the notice. The response shall state the retailer's basis for dispute and the amount, if any, admitted to be

owed for more than thirty days; the copy forwarded to the wholesaler or manufacturer shall be accompanied by the amount admitted to be due, if any, and such payment shall be made and received without prejudice to the rights of either party in any civil action. Upon receipt of the retailer's response, the chairman of the commission or such chairman's designee shall conduct an informal hearing with the parties being given equal opportunity to appear and be heard. If the chairman or such chairman's designee determines that the notice of obligation is accurate, the department shall forthwith issue an order directing the wholesaler or manufacturer to promptly give all manufacturers and wholesalers engaged in the business of selling alcoholic liquor to retailers in this state, a "notice of delinquency". The notice of delinquency shall identify the delinquent retailer, and state the amount due and the date of the expiration of the thirty-day credit period. No wholesaler or manufacturer receiving a notice of delinquency shall extend credit by the sale of alcoholic liquor or otherwise to such delinquent retailer until after the manufacturer or wholesaler has received a "notice of satisfaction" from the sender of the notice of delinquency. If the chairman or such chairman's designee determines that the notice of obligation is inaccurate, the department shall forthwith issue an order prohibiting a notice of delinquency. The party for whom the determination by the chairman or such chairman's designee was adverse, shall promptly pay to the department a part of the cost of the proceedings as determined by the chairman or such chairman's designee, which shall not be less than fifty dollars. The department may suspend or revoke the permit of any permittee who, in bad faith, gives an incorrect notice of obligation, an incorrect response to notice of obligation, or an unauthorized notice of delinquency. If the department does not receive a response to the notice of obligation within such ten-day period, the delinquency shall be deemed to be admitted and the wholesaler or manufacturer who sent the notice of obligation shall, within the three days following the expiration of such ten-day period, give a notice of delinquency to the department and to all wholesalers and manufacturers engaged in the business of selling alcoholic liquor to retailers in this state. A notice of delinquency identifying a retailer who does not file a response within such ten-day period shall have the same effect as a notice of delinquency given by order of the chairman or such chairman's designee. A wholesaler permittee or manufacturer permittee that has given a notice of delinquency and that receives full payment for the credit extended, shall, within three days after the date of full payment, give a notice of satisfaction to the department and to all wholesalers and manufacturers to whom a notice of delinquency was sent. The prohibition against extension of credit to such retailer shall be void upon such full payment. The department may revoke or suspend any permit for a violation of this section. An appeal from an order of revocation or suspension issued in accordance with this section may be taken in accordance with section 30-60.

(c) If there is a proposed change or change in ownership of a retail permit premises, no application for a permit shall be approved until the applicant files with the department an affidavit executed by the seller of the retail permit premises stating that all obligations of the predecessor permittee for the purchase of alcoholic liquor at such permit premises have been paid or that such applicant did not receive direct or indirect consideration from the predecessor permittee. [If a wholesaler permittee alleges the applicant received direct or indirect consideration from the predecessor permittee or that there remain outstanding liquor obligations, such wholesaler permittee may file with the department an affidavit, along with supporting documentation to establish receipt of such consideration or outstanding liquor obligations. The Commissioner of Consumer Protection, in the commissioner's sole discretion, shall determine whether a hearing is warranted on such allegations.] The commissioner may waive the requirement of such seller's affidavit upon finding that (1) the predecessor permittee abandoned the premises prior to the filing of the application, and (2) such permittee did not receive any consideration, direct or indirect, for such permittee's abandonment. For the purposes of this subsection, "consideration" means the receipt of legal tender or goods or services for the purchase of alcoholic liquor remaining on the premises of the predecessor permittee, for which bills remain unpaid.

(d) A permittee may file a designation of an authorized agent with the department to issue or receive all notices or documents provided for in this section. The permittee shall be responsible for the issuance or receipt of such notices or documents by the agent.

(e) The period of credit permitted under this section shall be calculated as the time elapsing between the date of receipt of the alcoholic liquors by the purchaser and the date of full legal discharge of the purchaser through the payment of cash or its equivalent from all indebtedness arising from the transaction except that, if the last day for payment falls on a Saturday, Sunday or legal holiday, the last day for payment shall then be the next business day.

Sec. 30-48a. Limitation on interest in retail permits. (a) No person, and no backer as defined in section 30-1, shall, except as provided in this section, acquire an interest in more than four alcoholic beverage retail permits, except that on and after July 1, 2016, such person or backer may acquire an interest in no more than five alcoholic beverage retail permits, but nothing in this section shall (1) require any such person who had, on June 8, 1981, such interest in more than two such permits to surrender, dispose of or release his or her interest in any such permit or permits nor shall it affect his or her right to continue to hold, use and renew such permits, or (2) prohibit any such person who had, on June 8, 1981, such interest in more than two such permits from transferring his or her interest in such permits by inter vivos or testamentary disposition, including living trusts, to his or her spouse or child, or such spouse's or child's living trust or prohibit such spouse or child from accepting such a transfer notwithstanding that such spouse or child may already hold another permit issued under the provisions of this chapter. Any such permit so transferred may be renewed by such transferee under the provisions of section 30-14a. Except as provided in subdivision (1) of this subsection, a person shall be deemed to acquire an interest in a retail permit if an interest is owned by such person, such person's spouse, children, partners, or an estate, trust, or corporation controlled by such person or such person's spouse, children, or any combination thereof. The provisions of this subsection shall apply to any such interest without regard to whether such interest is a controlling interest. For the purposes of this subsection, “person” means (A) an individual, (B) a corporation or any subsidiary of a corporation, or (C) any combination of corporations or individuals any of whom, or any combination of whom, owns or controls, directly or indirectly, more than five per cent of any entity which is a backer as defined in said section 30-1.

(b) A retail permit for the purposes of subsection (a) of this section means a package store liquor permit or a druggist liquor permit.

(c) Membership in any organization which is or may become the holder of a [club permit] <u>café permit as defined by 30-22a(h)</u> shall not constitute acquisition of an interest in a retail permit.

(d) Any person who violates any provision of this section or of any regulation adopted pursuant to this section shall be fined not less than fifty dollars nor more than two hundred fifty dollars and any permit issued in violation of this section shall be revoked.

Sec. 30-51. Sales in dwelling houses regulated. (a) No permit may be issued for the sale of alcoholic liquor in any building, a portion of which will not be used as the permit premises, unless the application therefor is accompanied by an affidavit signed and sworn to by the applicant, stating that access from the portion of the building that will not be used as the permit premises to the portion of the building that will be used as the permit premises is effectually closed, unless the Department of Consumer Protection endorses upon such application that it has dispensed with such affidavit for reasons considered by it good and satisfactory and also endorses thereon such reasons. If any way of access from the other portion of such building to the portion used as the permit premises is opened, after such permit is issued, without the consent of the Department of Consumer

Protection endorsed on such permit, such permit shall thereupon become and be forfeited, with or without notice from the Department of Consumer Protection, and shall be null and void. If such applicant or any permittee or any backer thereof opens, causes to be opened, permits to be opened or allows to remain open, at any time during the term for which such permit is issued, any way of access from any portion of a building not part of the permit premises to any other portion of such building that is the permit premises, without the written consent of the Department of Consumer Protection endorsed on such permit, such persons or backers shall be subject to the penalties provided in section 30-113. The Department of Consumer Protection shall require every applicant for a permit to sell alcoholic liquor to state under oath whether any portion of the building in which it is proposed to carry on such business will not be used as the permit premises; and, if so, said Department of Consumer Protection shall appoint a suitable person to examine the premises and to see that any and all access between the portion so to be used for the sale of alcoholic liquor and the portion not so used is effectually closed, and may designate the manner of such closing, and, if necessary, order seals to be placed so that such way of access cannot be opened without breaking the seals, and the breaking or removal of such seals or other methods of preventing access, so ordered and provided, shall be prima facie evidence of a violation of this section. The above provisions shall not apply to any premises operating under a hotel permit[, or any premises operating under a restaurant permit, which premises are located in or attached to a motel, and shall not apply to any entrance to a building in which is located premises operating under a tavern permit, which entrance opens into the rear or side yard of such tavern premises and is used solely as an emergency exit or for the delivery of goods to, or carrying or conveying goods from, any permit premises].

(b) "Motel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, usually, but not limited to, motorists, but is not a place where food is served at all times or where kitchen and dining room facilities necessarily exist.

Sec. 30-53. Permit to be recorded. Each permit granted or renewed by the Department of Consumer Protection shall be of no effect until a duplicate thereof has been filed by the permittee with the town clerk of the town within which the club or place of business described in such permit is situated; provided the place of filing of [railroad and boat permits] a café permits as defined in subsections 30-22a(j)-(k) shall be the office of the town clerk of the town of New Haven, and airline permits, the office of the town clerk of the town of Hartford. The fee for such filing shall be twenty dollars.

Sec. 30-54. Permit to be hung in plain view. Every permittee, other than a corporation holding a [railroad or airline] café permit, as defined in subsection 30-22(k) or airline permit, shall cause his permit or a duplicate thereof to be framed and hung in plain view in a conspicuous place in any room where the sales so permitted are to be carried on.

Sec. 30-58b. Continuation of service when special sporting facility permit revoked. Application for new permit. [If the licensed operator terminates the lease of any permittee or backer holding a special sporting facility permit provided for in section 30-33b because such permit is suspended or revoked by the Department of Consumer Protection, said department shall accept and act upon an application for a new permit of the same class as the suspended or revoked permit, notwithstanding that the term of the original suspension has not expired. Said department may issue immediate temporary orders permitting the continued operation of such permit at such location under such terms as appear reasonable to said department to avoid inconvenience to patrons of such special sporting facility.] Section 30-58b is repealed.

Sec. 30-68*l*. Wholesale permittees; sales below cost prohibited. (a) No wholesaler permittee shall sell to any purchaser holding a permit for the sale of alcoholic liquor for on or off premises consumption at a price

which is below such wholesaler permittee's cost. For the purposes of this section, “cost” means: (1) On domestic alcoholic liquor bottled in the state, the total of (A) the cost of all ingredients, (B) all transportation charges from the point of origin to the point of destination, (C) all applicable federal and state taxes, and (D) the cost of containers, labels, caps, closures and all bottling charges and labor; (2) on imported alcoholic liquor bottled in the state, the total of (A) the invoice price from the supplier, (B) all other ingredients, (C) the cost of duties, (D) all applicable federal and state taxes, (E) insurance, (F) ocean freight and brokerage charges, (G) all transportation charges, and (H) the cost of containers, labels, caps, closures and all bottling charges and labor; (3) on domestic alcoholic liquors not bottled in this state, the total of (A) the posted price from the supplier to the wholesaler, (B) the cost of shipping or delivery charges to the wholesaler's place of business which were paid by the wholesaler in addition to the posted price, and (C) all applicable federal and state taxes paid by the wholesaler in addition to the posted price; (4) on imported alcoholic liquor not bottled in the state, the total of (A) the posted price from the supplier, (B) the cost of duties, insurance, ocean freight and brokerage charges and transportation charges paid by the wholesaler in addition to the posted price, and (C) all applicable federal and state taxes paid by the wholesaler in addition to the posted price. The provisions of this section shall not apply to sales of wine.

(b) Subject to prior approval from the manufacturer or out-of-state shipper, a wholesaler may sell to a retail licensee a [nonuniform case] family brand case, containing bottles only of one family brand as defined in subsection 30-63(d). Wholesalers who do not hold exclusive rights to a given brand trademark may also sell to a retail licensee a [nonuniform] family brand case containing bottles only of one family brand, provided all of the bottles in such [nonuniform] family brand case are available to all nonexclusive wholesalers who also have rights to the given brand trademarks. [For purposes of this subsection, "family brand" means a group of different products belonging to a single brand that are marketed under a parent brand.]

Sec. 30-81. Unsuitable persons prohibited from having financial interest in permit businesses. Employment of minors restricted. No person who is, by statute or regulation, declared to be an unsuitable person to hold a permit to sell alcoholic liquor shall be allowed to have a financial interest in any such permit business. Except as provided in section 30-90a, no minor shall be employed in any premises operating under a [tavern] café permit in any capacity or in handling any alcoholic liquor upon, in delivering any alcoholic liquor to, or in carrying or conveying any alcoholic liquor from, any permit premises.

Sec. 30-90. Loitering on permit premises. Any permittee who, by himself, his servant or agent, permits any minor or any person to whom the sale or gift of alcoholic liquor has been forbidden according to law to loiter on his premises where such liquor is kept for sale, or allows any minor other than a person over age eighteen who is an employee or permit holder under section 30-90a or a minor accompanied by his parent or guardian, to be in any room where alcoholic liquor is served at any bar, shall be subject to the penalties of section 30-113. For one-room barrooms or premises without effective separation between a barroom and the dining room, no minors may either sit or stand at a consumer bar without being accompanied by a parent, guardian, or spouse.

Sec. 30-91. Hours and days of closing. Exemption. (a) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under hotel permits, restaurant permits, cafe permits, Connecticut craft café permits, restaurant permits for catering establishments, [bowling establishment permits, racquetball facility permits, club permits,] coliseum permits, [coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, golf country club permits,] nonprofit public museum permits, [university permits, airport restaurant permits, airport bar permits, airport airline club permits, tavern permits], manufacturer permits for beer, casino permits, caterer liquor permits and charitable organization

permits shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and ten o'clock a.m.

(b) Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under subsection (a) of this section, except sales pursuant to [an airport restaurant permit, airport bar permit or airport airline club permit] a café permit as defined by 30-22(d), shall be permissible. In all cases when a town, either by vote of a town meeting or by ordinance, has acted on the sale of alcoholic liquor or the reduction of the number of hours when such sale is permissible, such action shall become effective on the first day of the month succeeding such action and no further action shall be taken until at least one year has elapsed since the previous action was taken.

(c) Notwithstanding any provisions of subsections (a) and (b) of this section, such sale or dispensing or consumption or presence in glasses in places operating under a [bowling establishment permit] café permit as defined in subsection 30-22a(f) shall be unlawful before eleven a.m. on any day, except in that portion of the permit premises which is located in a separate room or rooms entry to which, from the bowling lane area of the establishment, is by means of a door or doors which shall remain closed at all times except to permit entrance and egress to and from the lane area. Any alcoholic liquor sold or dispensed in a place operating under a [bowling establishment permit] café permit as defined in subsection 30-22a(f) shall be served in containers such as, but not limited to, plastic or glass. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under this subsection shall be permissible.

(d) The sale or dispensing of alcoholic liquor for off-premise consumption in places operating under package store permits, drug store permits, manufacturer permits for beer, or grocery store beer permits shall be unlawful on Thanksgiving Day, New Year's Day and Christmas; and such sale or dispensing of alcoholic liquor for off-premise consumption in places operating under package store permits, drug store permits, manufacturer permits for beer and grocery store beer permits shall be unlawful on Sunday before ten o'clock a.m. and after six o'clock p.m. and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by a vote of a town meeting or by ordinance, reduce the number of hours during which such sale shall be permissible.

(e) (1) In the case of any premises operating under a [tavern permit] cafe permit, wherein, under the provisions of this section, the sale of alcoholic liquor is forbidden on certain days or hours of the day, or during the period when a [tavern] café permit is suspended, it shall likewise be unlawful to keep such premises open to, or permit it to be occupied by, the public on such days or hours.

(2) In the case of any premises operating under a cafe permit, it shall be unlawful to keep such premises open to, or permit such premises to be occupied by, the public between the hours of one o'clock a.m. and six o'clock a.m. on Monday, Tuesday, Wednesday, Thursday and Friday and between the hours of two o'clock a.m. and six o'clock a.m. on Saturday and Sunday or during any period of time when such permit is suspended, provided the sale or the dispensing or consumption of alcohol on such premises operating under such cafe permit shall be prohibited beyond the hours authorized for the sale or dispensing or consumption of alcohol for such premises under this section.

(3) Notwithstanding any provision of this chapter, in the case of any premises operating under a [tavern or] cafe permit, it shall be lawful for such premises to be open to, or be occupied by, the public when such premises is being used as a site for film, television, video or digital production eligible for a film production tax credit pursuant to section 12-217jj, provided the sale or the dispensing or consumption of alcohol on such premises operating under such [tavern or] cafe permit shall be prohibited beyond the hours authorized for the sale or the dispensing or consumption of alcohol for such premises under this section.

(f) The retail sale and the tasting of free samples of wine, cider not exceeding six per cent alcohol by volume, apple wine not exceeding fifteen per cent alcohol by volume, apple brandy, eau-de-vie and mead by visitors and prospective retail customers of a permittee holding a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead on the premises of such permittee shall be unlawful on Sunday before ten o'clock a.m. and after ten o'clock p.m. and on any other day before eight o'clock a.m. and after ten o'clock p.m. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales and the tasting of free samples of products under this subsection shall be permissible.

(g) Notwithstanding any provision of subsection (a) of this section, food or nonalcoholic beverages may be sold, dispensed or consumed in places operating under [an airport restaurant permit, an airport bar permit or an airport airline club permit] a café permit as defined in subsection 30-22a(d), at any time, as allowed by agreement between the Connecticut Airport Authority and its lessees or concessionaires. [In the case of premises operating under an airport airline club permit, the sale, dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and six o'clock a.m., (2) Saturday and Sunday between the hours of two o'clock a.m. and six o'clock a.m., (3) Christmas, except for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (4) January first between the hours of three o'clock a.m. and six o'clock a.m.]

(h) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating under a nonprofit golf tournament permit shall be unlawful on any day prior to nine o'clock a.m. and after ten o'clock p.m.

(i) Nothing in this section shall be construed to require any permittee to continue the sale or dispensing of alcoholic liquor until the closing hour established under this section.

(j) The retail sale of wine and the tasting of free samples of wine by visitors and prospective retail customers of a permittee holding a wine festival permit or an out-of-state entity wine festival permit issued pursuant to section 30-37*l*, as amended by this act, or 30-37m shall be unlawful on Sunday before eleven o'clock a.m. and after eight o'clock p.m., and on any other day before ten o'clock a.m. and after eight o'clock p.m. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which the retail sale of wine and the tasting of free samples of wine pursuant to this subsection shall be permissible.

(k) The sale of products at a farmers' market by a permittee holding a farmers' market wine sales permit pursuant to subsection (a) of section 30-37o, as amended by this act, shall be unlawful on any day before eight o'clock a.m. and after ten o'clock p.m., provided such permittee shall not sell such products at a farmers' market at any time during such hours that the farmers' market is not open to the public. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales of products under this subsection shall be permissible.

(l) Notwithstanding any provision of subsection (a) of this section, it shall be lawful for casino permittees at casinos, as defined in section 30-37k, to allow the presence of alcoholic liquor in glasses or other receptacles suitable to permit the consumption thereof by an individual at any time on its gaming facility, as defined in subsection (a) of section 30-37k, provided such alcoholic liquor shall not be served to a patron of such casino during the hours specified in subsection (a) of this section. For purposes of this section, "receptacles suitable to permit the consumption of alcoholic liquor" shall not include bottles of distilled spirits or bottles of wine.

Sec. 30-91a. Effect of prior local votes re Sunday sale. (a) In all cases where a town, either by vote of a town meeting or by ordinance, had, prior to April 30, 1971, authorized the sale of alcoholic liquor on Sunday between the hours of twelve o'clock noon and nine o'clock in the evening, such sale shall be authorized until the time specified in section 30-91 unless an earlier closing hour is established by town meeting or ordinance after April 30, 1971.

(b) Nothing in section 30-91 shall be construed to supersede any action taken by a town prior to May 25, 1971, to prohibit the sale of alcoholic liquor in such town from midnight on Saturday until one a.m. on Sunday and such action shall be construed to prohibit such sale from midnight on Saturday until two a.m. on Sunday in such town.

[(c) In all towns in which the sale of alcoholic liquor on Sunday between the hours of twelve o'clock noon and the time specified in section 30-91 is permitted, prior to June 5, 1975, in a place operating under a hotel permit, a restaurant permit or a cafe permit, such sale shall be authorized on Sunday between such hours in a place operating under a tavern permit unless such sale is prohibited by town meeting or ordinance after June 5, 1975.]

[(d)] (c) In all towns that have authorized the sale of alcoholic liquor on Sunday commencing at twelve o'clock noon, either by vote of a town meeting or by ordinance, such sale shall be permitted commencing at eleven o'clock a.m. in places operating under permits listed in subsection (a) of section 30-91, unless a later opening hour is established by vote of a town meeting or by ordinance after July 1, 1981.

Section 2. Section 30-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-7. Regulations to be furnished upon request. Every regulation made by the Department of Consumer Protection under the authority of this chapter shall be furnished to each permittee upon request. The department shall biennially, on or before July first in the odd-numbered years, [either (1) publish in convenient pamphlet form all regulations then in force and shall furnish upon request copies of such pamphlets to every permittee authorized under the provisions of this chapter to manufacture or sell alcoholic liquor and to such other persons as desire such pamphlets, or (2)] post such regulations on the department's Internet web site.

Section 3. Section 30-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-8. Investigations, oaths and subpoenas. The Department of Consumer Protection and any agent thereof authorized to conduct any inquiry, investigation or hearing under the provisions of this chapter shall

have power to administer oaths and take testimony under oath relative to the matter of inquiry or investigation. The Commissioner of Consumer Protection may withhold from disclosure any complaints or inspections that result in an investigation conducted by the department under this chapter, or any other information obtained by the department during the course of an investigation conducted by the department under this chapter, until the earlier of (1) the date when the investigation is completed, (2) [six] eighteen months after the date when the complaint resulting in the investigation was filed, or (3) [six] eighteen months after the investigation was commenced. At any hearing ordered by the department, the department or such agent having authority by law to issue such process may subpoena witnesses and require the production of records, papers and documents pertinent to such inquiry. No witness under subpoena authorized to be issued by the provisions of this section shall be excused from testifying or from producing records, papers or documents on the ground that such testimony or the production of such records or other documentary evidence would tend to incriminate him, but such evidence or the records or papers so produced and any information directly or indirectly derived from such evidence, records or papers shall not be used in any criminal proceeding against him. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him by the department or its authorized agent or to produce any records and papers pursuant thereto, the department or its agent may apply to the superior court for the judicial district of Hartford or for the judicial district wherein the person resides or wherein the business has been conducted, setting forth such disobedience to process or refusal to answer, and the court shall cite such person to appear before the court to answer such question or to produce such records and papers and, upon his refusal so to do, shall commit such person to a community correctional center until he testifies, but not for a longer period than sixty days. Notwithstanding the serving of the term of such commitment by any person, the department may proceed with such inquiry and examination as if the witness had not previously been called upon to testify. Officers who serve subpoenas issued by the department or under its authority and witnesses attending hearings conducted by it under this section shall receive like fees and compensation as officers and witnesses in the courts of this state to be paid on vouchers of the department on order of the Comptroller.

Section 4. Section 30-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-17. Wholesaler permit. Termination or diminishment of distributorship. (a)(1) A wholesaler permit shall allow the bottling of alcoholic liquor and the wholesale sale of alcoholic liquor to permittees in this state and without the state, as may be permitted by law, and the sale of alcoholic liquors to vessels engaged in coastwise or foreign commerce, and the sale of alcohol and alcoholic liquor for industrial purposes to nonpermittees, such sales to be made in accordance with the regulations adopted by the Department of Consumer Protection, and the sale of alcohol and alcoholic liquor for medicinal purposes to hospitals and charitable institutions and to religious organizations for sacramental purposes and the receipt from out-of-state shippers of multiple packages of alcoholic liquor. The holder of a wholesaler permit may apply for and shall thereupon receive an out-of-state shipper's permit for direct importation from abroad of alcoholic liquors manufactured outside the United States and an out-of-state shipper's permit for direct importation from abroad of beer manufactured outside the United States. The annual fee for a wholesaler permit shall be two thousand six hundred fifty dollars.

(2) When a holder of a wholesaler permit has had the distributorship of any alcohol, beer, spirits or wine product of a manufacturer or out-of-state shipper for six months or more, such distributorship may be terminated or its geographic territory diminished upon (A) the execution of a written stipulation by the wholesaler and

manufacturer or out-of-state shipper agreeing to the change and the approval of such change by the Department of Consumer Protection; or (B) the sending of a written notice by certified or registered mail, return receipt requested, by the manufacturer or out-of-state shipper to the wholesaler, a copy of which notice has been sent simultaneously by certified or registered mail, return receipt requested, to the Department of Consumer Protection. No such termination or diminishment shall become effective except for just and sufficient cause, provided such cause shall be set forth in such notice and the Department of Consumer Protection shall determine, after hearing, that just and sufficient cause exists. If an emergency occurs, caused by the wholesaler, prior to such hearing, which threatens the manufacturers' or out-of-state shippers' products or otherwise endangers the business of the manufacturer or out-of-state shipper and said emergency is established to the satisfaction of the Department of Consumer Protection, the department may temporarily suspend such wholesaler permit or take whatever reasonable action the department deems advisable to provide for such emergency and the department may continue such temporary action until its decision after a full hearing. The Department of Consumer Protection shall render its decision with reasonable promptness following such hearing. Notwithstanding the aforesaid, a manufacturer or out-of-state shipper may appoint one or more additional wholesalers as the distributor for an alcohol, spirits or wine product within such territory, provided such appointment shall not be effective until six months from the date such manufacturer or out-of-state shipper sets forth such intention in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent by certified or registered mail, return receipt requested, to the Department of Consumer Protection. For just and sufficient cause, a manufacturer or out-of-state shipper may appoint one or more additional wholesalers as the distributor for a beer product within such territory provided such manufacturer or out-of-state shipper sets forth such intention and cause in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent by certified or registered mail, return receipt requested, to the Department of Consumer Protection. For the purposes of this section, “just and sufficient cause” means the existence of circumstances which, in the opinion of a reasonable person considering all of the equities of both the wholesaler and the manufacturer or out-of-state shipper warrants a termination or a diminishment of a distributorship as the case may be. “Just and sufficient cause” will be presumed if a wholesaler fails to order a product for eighteen months, provided said product was available for order during that entire time period. For the purposes of this section, “manufacturer or out-of-state shipper” means the manufacturer or out-of-state shipper who originally granted a distributorship of any alcohol, beer, spirits or wine product to a wholesaler, any successor to such manufacturer or out-of-state shipper, which successor has assumed the contractual relationship with such wholesaler by assignment or otherwise, or any other manufacturer or out-of-state shipper who acquires the right to ship such alcohol, beer, spirits or wine into the state.

(3) Nothing contained herein shall be construed to interfere with the authority of the Department of Consumer Protection to retain or adopt reasonable regulations concerning the termination or diminishment of a distributorship held by a wholesaler for less than six months.

(4) All hearings held hereunder shall be held in accordance with the provisions of chapter 54.

(b) A wholesaler permit for beer shall be in all respects the same as a wholesaler permit, except that the scope of operations of the holder shall be limited to beer; but shall not prohibit the handling of nonalcoholic merchandise. The holder of a wholesaler permit for beer may apply for and shall thereupon receive an out-of-state shipper's permit for direct importation from abroad of beer manufactured outside the United States. The annual fee for a wholesaler permit for beer shall be one thousand dollars.

(c) A wholesaler permittee may offer to industry members and its own staff free samples of alcoholic liquor that it distributes for tasting on the wholesaler’s premises. Any offering, tasting, wine education and tasting class

or demonstration held on permit premises shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under section 30-91. No tasting of wine on the premises shall be offered from more than ten uncorked or open bottles at any one time. A wholesaler may offer such tastings to retail permittees no more than four times per year.

Section 5. Section 30-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-33. Concession permit. A concession permit shall allow the sale and consumption of beer or wine on the premises of any fair grounds, ball park, amusement park, indoor-outdoor amphitheater, outdoor amphitheater contiguous to and under the same ownership as an amusement park, public golf course or sports arena provided no sales of alcoholic liquor shall occur within one hour of the scheduled end of a performance at an indoor-outdoor amphitheater constructed to seat not less than fifteen thousand people. A concession permit shall also allow the sale and consumption of alcohol or spirits in all enclosed nonseating areas within an indoor-outdoor amphitheater. Such areas shall be enclosed by a fence or wall not less than thirty inches high and separate from each other. No concession permittee, backer, employee or agent of such permittee shall sell, offer or deliver more than two drinks of alcoholic liquor at any one time to any person for such person's own consumption. Such permit shall be issued in the discretion of the Department of Consumer Protection and shall be effective only in accordance with a schedule of hours and days determined by the department for each such permit within the limitation of hours and days fixed by law. As used in this section, "public golf course" means a golf course of not less than nine holes and a course length of not less than twenty-seven hundred fifty yards. The fee for a concession permit shall be as follows: For a period of one year, three hundred dollars; for a period of six months, two hundred dollars; and for a period of one day, fifty dollars.

Section 6. Section 30-35b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-35b. Ninety-day provisional permit. A ninety-day provisional permit shall allow the retail sale or manufacture of alcoholic liquor by any applicant and his backer, if any, who has made application for a liquor permit pursuant to section 30-39 and may be issued at the discretion of the Liquor Control Commission. If said applicant or his backer, if any, causes any delay in the investigation conducted by the Department of Consumer Protection pursuant to said section, the ninety-day provisional permit shall cease immediately. Only one such permit shall be issued to any applicant and his backer, if any, for each location of the club or place of business which is to be operated under such permit and such permit shall be nonrenewable but may be extended due to delays not caused by the applicant. Such permit shall not be extended beyond one year from the filing date as defined in subsection 30-39. The fee for such ninety-day permit shall be five hundred dollars.

Section 7. Section 30-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-36. Druggist permit. A druggist permit may be issued by the Department of Consumer Protection to a drug store proprietor. No druggist permit shall be issued covering a new drug store or a new location for an old

drug store until the Commission of Pharmacy is satisfied that a drug store at such location is necessary to the convenience and best interest of the public. A druggist permit (1) shall allow the use of alcoholic liquors for the compounding of prescriptions of physicians, advanced practice registered nurses, physician assistants and dentists and for the manufacturing of all United States Pharmacopoeia and National Formulary preparations and all other medicinal preparations, (2) shall allow the retail sale and delivery of alcoholic liquor in containers of not less than eight ounces or one hundred eighty-seven and one-half milliliters and not more than one quart or one liter capacity except that beer may be sold in containers of not more than forty ounces or twelve hundred milliliters capacity, to any person, and (3) shall forbid the drinking of such alcoholic liquor on the premises of any drug store. Such permittee shall keep all alcoholic liquors in compartments, which compartments shall be securely locked except during those hours when the sale of alcoholic liquor is permitted by law. The holder of a druggist permit shall not display any alcoholic liquors or containers, marked or labeled or in any other way suggesting the contents of intoxicating liquors, in the windows of the permit premises. The Commission of Pharmacy shall revoke or suspend the pharmacy license of any pharmacist upon whose premises any violation of any provision of this section occurs. The annual fee for a druggist permit shall be five hundred thirty-five dollars.

Section 8. Section 30-37 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-37. Sales on prescription. Any pharmacy licensed by the [Commission of Pharmacy] Department of Consumer Protection may fill the prescription of a licensed physician, advanced practice registered nurse, physician assistant or dentist for alcoholic liquors at any time without regard to the vote of any town prohibiting the sale of such liquors and may use alcoholic liquors for the compounding of such prescriptions and for the manufacture of all United States Pharmacopoeia and National Formulary preparations and all other medicinal preparations without the necessity of obtaining a permit from the Department of Consumer Protection, provided each such prescription shall include the name and address of the person for whom it is prescribed and shall be signed with his full name by the person issuing such prescription. Each such prescription shall be filled only once, and the person making a sale on such prescription shall write on the face thereof the number of such prescription and the date of the sale or delivery of such liquor and shall keep such prescription on file and available at all reasonable times for inspection. All alcoholic liquors sold by licensed pharmacies on prescriptions alone shall be kept in compartments, which compartments shall be securely locked except when such liquors are being used in the compounding of the prescriptions.

Section 9. Section 30-37j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-37j. Caterer liquor permit. Notice requirements. Exemptions. (a) A caterer liquor permit shall allow a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events to sell and serve alcoholic liquor for on-premises consumption at any activity, event or function for which such person has been hired and memorialized by a bona fide contract. The holder of a caterer liquor permit may not engage in self-dealing or self-hiring in order to generate catering events. The annual fee for a caterer liquor permit shall be four hundred forty dollars.

(b) The holder of a caterer liquor permit shall, on a form prescribed by the Department of Consumer Protection or electronically, notify the department, in writing, of the date, location and hours of each event at which alcohol is served under such permit at least one business day in advance of such event. If the holder of a caterer liquor permit is unable to provide the written notice required under this section due to exigent circumstances, such holder may provide notice to the department by telephone of the date, location and hours of each event at which alcohol is served under such permit.

(c) Notwithstanding the provisions of subsection (a) of section 30-48, as amended by this act, a backer or holder of a caterer liquor permit may be a backer or holder of any other permit issued under the provisions of this chapter, except that a backer or holder of a caterer liquor permit may not be a backer or holder of any other manufacturer permit issued under section 30-16, as amended by this act, or a wholesaler permit issued under section 30-17.

(d) The holder of a caterer liquor permit and any other permit issued under the provisions of this chapter that prohibits the off-premises consumption of alcoholic liquor shall be exempt from such prohibition for the purposes of conducting such holder's catering business only.

(e) The holder of a caterer liquor permit shall be exempt from the provisions of sections 30-38, 30-52 and 30-54 and from the requirements to affix and maintain a placard, as provided in subdivision (3) of subsection (b) of section 30-39.

(f) The holder of a caterer liquor permit may enter into a contract with another business entity to provide exclusive catering services at a specific venue, provided the holder of the caterer liquor permit is available for hire at other venues and is using the permit at other venues. No member of the backer of the caterer liquor permit, nor the member's spouse or child, may have an ownership interest in the venue with the exclusivity agreement.

Section 10. Section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-39. Applications for permits, renewals. Fees. Publication, remonstrance, hearing. (a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date.

(b) (1) Any person desiring a liquor permit or a renewal of such a permit shall make [a sworn] an affirmed application therefor to the Department of Consumer Protection upon forms to be furnished by the department, showing the name and address of the applicant and of the applicant's backer, if any, the location of the club or place of business which is to be operated under such permit and a financial statement setting forth all elements and details of any business transactions connected with the application. Such application shall include a detailed description of the type of live entertainment that is to be provided. A club or place of business shall be exempt from providing such detailed description if the club or place of business (A) was issued a liquor permit prior to October 1, 1993, and (B) has not altered the type of entertainment provided. The application shall also indicate any crimes of which the applicant or the applicant's backer may have been convicted. Applicants shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met, except that local building and zoning requirements and local

ordinances concerning hours and days of sale shall not apply to any class of airport permit. The State Fire Marshal or the marshal's certified designee shall be responsible for approving compliance with the State Fire Code at Bradley International Airport. Any person desiring a permit provided for in section 30-33b shall file a copy of such person's license with such application if such license was issued by the Department of Consumer Protection. The department may, at its discretion, conduct an investigation to determine whether a permit shall be issued to an applicant.

(2) The applicant shall pay to the department a nonrefundable application fee, which fee shall be in addition to the fees prescribed in this chapter for the permit sought. An application fee shall not be charged for an application to renew a permit. The application fee shall be in the amount of ten dollars for the filing of each application for a permit by a charitable organization, including a nonprofit public television corporation, a nonprofit golf tournament permit, a temporary permit or a special club permit; and for all other permits in the amount of one hundred dollars for the filing of an initial application. Any permit issued shall be valid only for the purposes and activities described in the application.

(3) The applicant, immediately after filing an application, shall give notice thereof, with the name and residence of the permittee, the type of permit applied for and the location of the place of business for which such permit is to be issued and the type of live entertainment to be provided, all in a form prescribed by the department, by publishing the same in a newspaper having a circulation in the town in which the place of business to be operated under such permit is to be located, at least once a week for two successive weeks, the first publication to be not more than seven days after the filing date of the application and the last publication not more than fourteen days after the filing date of the application. The applicant shall affix, and maintain in a legible condition upon the outer door of the building wherein such place of business is to be located and clearly visible from the public highway, the placard provided by the department, not later than the day following the receipt of the placard by the applicant. If such outer door of such premises is so far from the public highway that such placard is not clearly visible as provided, the department shall direct a suitable method to notify the public of such application. When an application is filed for any type of permit for a building that has not been constructed, such applicant shall erect and maintain in a legible condition a sign not less than six feet by four feet upon the site where such place of business is to be located, instead of such placard upon the outer door of the building. The sign shall set forth the type of permit applied for and the name of the proposed permittee, shall be clearly visible from the public highway and shall be so erected not later than the day following the receipt of the placard. Such applicant shall make a return to the department, under oath, of compliance with the foregoing requirements, in such form as the department may determine, but the department may require any additional proof of such compliance. Upon receipt of evidence of such compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, railroad permits, boat permits, warehouse permits, brokers' permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, nonprofit golf tournament permits, nonprofit public television permits and renewals. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official.

(4) In any case in which a permit has been issued to a partnership, if one or more of the partners dies or retires, the remaining partner or partners need not file a new application for the unexpired portion of the current permit, and no additional fee for such unexpired portion shall be required. Notice of any such change shall be

given to the department and the permit shall be endorsed to show correct ownership. When any partnership changes by reason of the addition of one or more persons, a new application with new fees shall be required.

(c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a remonstrance containing any objection to the suitability of such applicant or proposed place of business, provided any such issue is not controlled by local zoning. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. At any time prior to the issuance of a decision by the department, a remonstrance may be withdrawn by the remonstrants or by such agent or agents acting on behalf of such remonstrants and the department may cancel the hearing or withdraw the case. The decision of the department on such application shall be final with respect to the remonstrance.

(d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. If no new permit issues within twelve months from the filing date as defined in subsection (a) above, the application may, in the department's discretion, be deemed withdrawn and returned to the applicant. Six months' or seasonal permits may be renewed, provided the renewal application and fee shall be filed at least twenty-one days before the reopening of the business, there is no change in the permittee, ownership or type of permit, and the permittee or backer did not receive a rebate of the permit fee with respect to the permit issued for the previous year.

(e) The department may renew a permit that has expired if the applicant pays to the department a nonrefundable late fee pursuant to subsection (c) of section 21a-4, which fee shall be in addition to the fees prescribed in this chapter for the permit applied for. The provisions of this subsection shall not apply to one-day permits, to any permit which is the subject of administrative or court proceedings, or where otherwise provided by law.

Section 11. Section 30-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-47. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. (a) The Department of Consumer Protection may, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if it has reasonable cause to believe: (1) That the applicant or permittee appears to be financially irresponsible [or neglects to provide for his family], or neglects or is unable to pay his just debts; (2) that the applicant or permittee has been provided with funds by any wholesaler or manufacturer or has any forbidden connection with any other class of permittee as provided in this chapter; (3) that the applicant or permittee is in the habit of using alcoholic beverages to excess; (4) that the applicant or permittee has [wilfully]willfully made any false statement to the department in a material matter; (5) that the applicant or permittee has been convicted of violating any of the liquor laws of this or any other state or the liquor laws of the United States or has been convicted of a felony as such term is defined in section 53a-25 or has such a criminal record that the department reasonably believes he is not a suitable person to hold a permit, provided no refusal shall be rendered under this subdivision except in accordance with the provisions of sections 46a-80 and 46a-81; (6) that the applicant or

permittee has not been delegated full authority and control of the permit premises and of the conduct of all business on such premises; or (7) that the applicant or permittee has violated any provision of this chapter or any regulation adopted under this chapter. Any backer shall be subject to the same disqualifications as provided in this section in the case of an applicant for a permit or a permittee.

(b) The Commissioner of Consumer Protection may, in his or her discretion, require a permittee who has had his or her permit for the sale of alcoholic liquor suspended or revoked pursuant to subsection (a) of this section to have such permittee's employees participate in an alcohol seller and server training program approved by the commissioner. The commissioner may require proof of completion of the program from the permittee prior to reactivation or reissuance of such permit.

(c) In lieu of suspending or revoking a permit for the sale of alcoholic liquor pursuant to subsection (a) of this section, the commissioner may require a permittee to have such permittee's employees participate in an alcohol seller and server training program.

Section 12. Section 30-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-51. Sales in dwelling houses regulated. (a) No permit may be issued for the sale of alcoholic liquor in any building, a portion of which will not be used as the permit premises, unless the application therefor is accompanied by an affidavit signed and [sworn] affirmed to by the applicant, stating that access from the portion of the building that will not be used as the permit premises to the portion of the building that will be used as the permit premises is effectually closed, unless the Department of Consumer Protection endorses upon such application that it has dispensed with such affidavit for reasons considered by it good and satisfactory and also endorses thereon such reasons. If any way of access from the other portion of such building to the portion used as the permit premises is opened, after such permit is issued, without the consent of the Department of Consumer Protection endorsed on such permit, such permit shall thereupon become and be forfeited, with or without notice from the Department of Consumer Protection, and shall be null and void. If such applicant or any permittee or any backer thereof opens, causes to be opened, permits to be opened or allows to remain open, at any time during the term for which such permit is issued, any way of access from any portion of a building not part of the permit premises to any other portion of such building that is the permit premises, without the written consent of the Department of Consumer Protection endorsed on such permit, such persons or backers shall be subject to the penalties provided in section 30-113. The Department of Consumer Protection shall require every applicant for a permit to sell alcoholic liquor to state under oath whether any portion of the building in which it is proposed to carry on such business will not be used as the permit premises; and, if so, said Department of Consumer Protection shall appoint a suitable person to examine the premises and to see that any and all access between the portion so to be used for the sale of alcoholic liquor and the portion not so used is effectually closed, and may designate the manner of such closing, and, if necessary, order seals to be placed so that such way of access cannot be opened without breaking the seals, and the breaking or removal of such seals or other methods of preventing access, so ordered and provided, shall be prima facie evidence of a violation of this section. The above provisions shall not apply to any premises operating under a hotel permit, or any premises operating under a restaurant permit, which premises are located in or attached to a motel, and shall not apply to any entrance to a building in which is located premises operating under a tavern permit, which entrance opens into the rear or side yard of such tavern premises and is used solely as an emergency exit or for the delivery of goods to, or carrying or conveying goods from, any permit premises.

(b) “Motel” means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests, usually, but not limited to, motorists, but is not a place where food is served at all times or where kitchen and dining room facilities necessarily exist.

Section 13. Section 30-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-55. Revocation or suspension of permits; hearing; appeal to stay proceedings. (a) The Department of Consumer Protection may, in its discretion, revoke, suspend, or place conditions on any permit or provisional permit or impose a fine of not greater than one thousand dollars per violation upon cause found after hearing, provided ten days' written notice of such hearing has been given to the permittee setting forth, with the particulars required in civil pleadings, the charges upon which such proposed revocation or suspension is predicated. Any appeal from such order of revocation, [or] suspension, fine or conditions shall be taken in accordance with the provisions of section 4-183.

(b) The surrender of a permit or provisional permit for cancellation or the expiration of a permit shall not prevent the department from suspending or revoking any such permit pursuant to the provisions of this section.

Section 14. Section 30-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-56. When appeal not to act as stay of execution. (a) When any permit is revoked or suspended after a final [conviction] decision under chapter 54 or upon forfeiture of bond under the provisions of section 30-57, an appeal therefrom shall not act as a stay of execution upon such revocation or suspension. Said revocation or suspension shall become immediately effective.

(b) When any permit is revoked or suspended for violation of the provisions of section 30-38a, an appeal therefrom, may, at the discretion of the court, act as a stay of execution upon such revocation or suspension.

Section 15. Section 30-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-59. Certificate of revocation, suspension or reinstatement. The Department of Consumer Protection shall post notice of any revocation or suspension of any permit on its website. [transmit a certificate of the revocation, suspension or reinstatement of any permit by it to the town clerk of the town within which the permittee is operating or has been operating, which clerk shall attach such certificate to the duplicate copy of such permit on file in his office.]

Section 16. Section 30-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-61. Service of process on members of commission. Service of process in any action in which the commission is a party shall be made upon any member of the commission [or the secretary of the commission].

Section 17. Section 30-64b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-64b. Unfair pricing practices. The sale of any alcoholic liquor by a wholesale or retail permittee for off-premises consumption at a price the intent of which is to destroy or prevent competition with any other permittee holding a like permit shall be deemed an unfair pricing practice and a violation of chapter 735a. The Department of Consumer Protection may suspend or revoke any permit upon a finding of an unfair pricing practice. In arriving at such finding, the Department of Consumer Protection shall consider, but not be limited to, the consideration of the following factors: Labor, including salaries of executives and officers, rent, interest on borrowed capital, depreciation, selling cost, maintenance of equipment, delivery costs, credit losses, insurance and warehouse costs.

Section 18. Section 30-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-67. Penalties. In addition to the penalties otherwise provided under this chapter, included those allowed under section 30-55, the Department of Consumer Protection may, for any violation of any provision of section 30-64 or of any regulation adopted under subdivisions (1), (2), (3) and (4) of subsection (b) of section 30-6a, suspend, cancel or revoke any permit as follows: For a first offense, not exceeding ten days' suspension of permit; for a second offense, not exceeding thirty days' suspension of permit; and for a third offense, the department may suspend, cancel or revoke the permit.

Section 19. Section 30-68n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-68n. Advertisement of manufacturers' rebates. (a) For the purposes of this section: (1) “Advertise” means the making of any statement or representation in connection with the solicitation of business in any manner by a retail permittee and includes, but is not limited to, statements and representations published in any newspaper or other publication or statements or representations printed in any catalog, circular or other sales literature or brochure; (2) “manufacturer's rebate” means that amount due and payable in accordance with an offer by a permittee other than a retail permittee to refund to a consumer all or a portion of the purchase price of an alcoholic liquor product; and (3) “net price” means the ultimate price paid by a consumer for an alcoholic liquor product after the consumer has redeemed the manufacturer's rebate offered for the alcoholic liquor product. Merchandise, novelties, or other items are not permissible manufacturer’s rebates. No permittee may

require the purchase of alcoholic liquor in order for a consumer to receive or have access to merchandise, novelties, or any other item.

(b) A retail permittee may advertise the existence of a manufacturer's rebate or the net price of an alcoholic liquor product provided such permittee makes all of the following disclosures in such advertisement in type that is the same color, style and size: (1) The sales price of the alcoholic liquor product before the manufacturer's rebate; (2) the amount and expiration date of the manufacturer's rebate; and (3) the net price of the alcoholic liquor product.

Section 20. Section 30-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-74. Unauthorized sale prohibited. (a) The sale of alcoholic liquor, except as permitted by this chapter, is prohibited, and any person or permittee who keeps or operates any bar or establishment which is a place where alcoholic liquor is kept for sale or exchange contrary to law shall be liable to the penalties provided in section 30-113.

(b) The sale, distribution or dispensing of alcoholic liquor without a permit issued under the provisions of this chapter in any premises, building, apartment or other place used by any club, association, social or fraternal society or organization to the members thereof, their guests or other persons shall be unlawful. Any officer, agent or employee of any club, association, social or fraternal society or organization without such a permit, who dispenses or permits to be dispensed, to or by its members, guests or other persons, any alcoholic liquor shall be subject to the penalties provided in section 30-113.

(c) No permittee or backer who is authorized under this chapter to sell alcoholic liquor at retail for consumption off the permit premises, and no agent or employee of such permittee or backer, may sell or deliver such alcoholic liquor from a drive-up window or similar exterior wall opening, or to a drive-up parking spot when said alcoholic liquor was purchased through the Internet or another on-line computer network.

Section 21. Section 30-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-86. Sale or delivery to minors, intoxicated persons and habitual drunkards prohibited. Exceptions. Use of transaction scan devices. (a) As used in this section:

(1) “Cardholder” means any person who presents a driver's license or an identity card to a permittee or permittee's agent or employee, to purchase or receive alcoholic liquor from such permittee or permittee's agent or employee;

(2) “Identity card” means an identification card issued in accordance with the provisions of section 1-1h;

(3) “Transaction scan” means the process by which a permittee or permittee's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card; and

(4) “Transaction scan device” means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card.

(b) (1) Any permittee or any servant or agent of a permittee who sells or delivers alcoholic liquor to any minor or any intoxicated person, or to any habitual drunkard, knowing the person to be such an habitual drunkard, shall be subject to the penalties of section 30-113.

(2) Any person who sells, ships, delivers or gives alcoholic liquor to a minor, by any means, including, but not limited to, the Internet or any other on-line computer network, except on the order of a practicing physician, shall be fined not more than three thousand five hundred dollars or imprisoned not more than eighteen months, or both.

(3) The provisions of this subsection shall not apply (A) to a sale, shipment or delivery made to a person over age eighteen who is an employee or permit holder under section 30-90a and where such sale, shipment or delivery is made in the course of such person's employment or business, (B) to a sale, shipment or delivery made in good faith to a minor who practices any deceit in the procurement of an identity card issued in accordance with the provisions of section 1-1h, who uses or exhibits any such identity card belonging to any other person or who uses or exhibits any such identity card that has been altered or tampered with in any way, or (C) to a shipment or delivery made to a minor by a parent, guardian or spouse of the minor, provided such parent, guardian or spouse has attained the age of twenty-one and provided such minor possesses such alcoholic liquor while accompanied by such parent, guardian or spouse.

(4) Nothing in this subsection shall be construed to burden a person's exercise of religion under section 3 of article first of the Constitution of the state in violation of subsection (a) of section 52-571b.

(c) (1) A permittee or permittee's agent or employee may perform a transaction scan to check the validity of a driver's license or identity card presented by a cardholder as a condition for selling, giving away or otherwise distributing alcoholic liquor to the cardholder.

(2) If the information deciphered by the transaction scan performed under subdivision (1) of this subsection fails to match the information printed on the driver's license or identity card presented by the cardholder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the permittee nor any permittee's agent or employee shall sell, give away or otherwise distribute any alcoholic liquor to the cardholder.

(3) Subdivision (1) of this subsection does not preclude a permittee or permittee's agent or employee from using a transaction scan device to check the validity of a document presented as identification other than a driver's license or an identity card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving away or otherwise distributing alcoholic liquor to the person presenting the document.

(d) (1) No permittee or permittee's agent or employee shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following: (A) The name and date of birth of the person listed on the driver's license or identity card presented by a cardholder; (B) the expiration date and identification number of the driver's license or identity card presented by a cardholder.

(2) No permittee or permittee's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (c) of this section, subsection (d) of section 53-344 or subsection (e) of section 53-344b.

(3) No permittee or permittee's agent or employee shall sell or otherwise disseminate the information derived from a transaction scan to any third party for any purpose, including, but not limited to, any marketing, advertising or promotional activities, except that a permittee or permittee's agent or employee may release that information pursuant to a court order.

(4) Nothing in subsection (c) of this section or this subsection relieves a permittee or permittee's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of alcoholic liquor.

(5) Any person who violates this subsection shall be subject to a [civil penalty of not more than one thousand dollars] penalty as allowed in section 30-55.

(e) (1) In any prosecution of a permittee or permittee's agent or employee for selling alcoholic liquor to a minor in violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive alcoholic liquor presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid; and (C) the alcoholic liquor was sold, given away or otherwise distributed to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a permittee or permittee's agent or employee has proven the affirmative defense provided by subdivision (1) of this subsection, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a permittee or permittee's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a permittee or permittee's agent or employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the permittee or permittee's agent or employee sells, gives away or otherwise distributes alcoholic liquor is twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder are those of the cardholder.

Section 22. Section 30-93a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-93a. Regulation of shipments into state. Any person who ships into this state any package or carton containing alcoholic liquor shall, for each offense, be [fined not more than one thousand dollars or imprisoned not more than one year or both] subject to the penalties established in section 30-55, unless (1) the contents of such package or carton are clearly marked on the outside of such package or carton, and (2) such person conditions delivery of such alcoholic liquor upon the signature of an individual who is (A) at least twenty-one years of age, or (B) legally authorized to receive such alcoholic liquor under the provisions of this chapter.

Section 23. Section 30-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage)*:

Sec. 30-113. Penalties. Any person convicted of a violation of provision of this chapter for which a specified penalty is not imposed, shall, for each offense, be [fined not more than one thousand dollars or imprisoned not more than one year or both] subject to the penalties established in section 30-55.

Agency Legislative Proposal - 2020 Session

Document Name: DCP2020Hemp.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien
Phone: 860-713-6208
E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Revisions the Hemp Statutes

Statutory Reference:

Proposal Summary:
To make minor, technical and clarifying revisions to Public Act 19-3, An Act Concerning A Pilot Program For Hemp Production.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

Since the implementation of PA 19-3, the Department has discovered minor issues with the legislation which require statutory revisions in order to more effectively regulate the manufacturing of hemp.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Agriculture **Agency Contact (*name, title, phone*):** Nathan Wilson **Date Contacted:** 11/8/2019 Approve of Proposal **NA** ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments While these modifications will not impact the Department of Agriculture's regulation of the growing and production of hemp, the DCP has notified them of these changes.
Will there need to be further negotiation? ☐ **YES** ☒**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal None
Additional notes on fiscal impact NA

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

None

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

NA

Insert fully drafted bill here

Section 1. Section 1 of Public Act No. 19-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) "Cannabidiol" or "CBD" means the cannabinoid extract [nonpsychotropic compound] by the same name and with a THC[delta-a tetrahydrocannabinol] concentration of not more than 0.3 per cent on a dry weight basis derived from hemp[, as defined in the federal act];

(2) "Certificate of analysis" means a certificate from a laboratory describing the results of the laboratory's testing of a sample;

(3) "Certified seed" means hemp seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory or possession of the United States to officially certify hemp seed and that has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the hemp seed certified;

(4) "Commissioner" means the Commissioner of Agriculture, or the commissioner's designated agent;

(5) "Consumable" means a commodity manufactured from the hemp plant[hemp products] that is intended for human ingestion, inhalation, absorption or other internal consumption, that contains a THC concentration of not more than 0.3 per cent on a dry weight basis or per volume or weight of the consumable;

(6) "Cultivate" means planting, growing and harvesting a plant or crop for commercial or research purposes;

(7) "Federal act" means the United States Agricultural Marketing Act of 1946, 7 USC 1639o[21] et seq., as amended from time to time;

(8) "Department" means the Department of Agriculture;

(9) "Grower" means a person in the state licensed by the commissioner to cultivate, grow, harvest, handle, store and market hemp pursuant to the federal act, the provisions of this section and the regulations adopted pursuant to this section;

(10) "Handle" means possessing or storing hemp for any period of time on premises owned, operated or controlled by a person licensed to cultivate or process hemp, and includes possessing or transporting hemp;

(11) "Hemp" has the same meaning as provided in the federal act;

(12) "Hemp products" means products, which are not consumables, with a THC[delta-a tetrahydrocannabinol] concentration of not more than 0.3 per cent on a dry

weight basis derived from, or made by, the processing of hemp plants or hemp plant parts;

(13) "Independent testing laboratory" means a facility:

(A) For which no person who has any direct or indirect financial or managerial interest in the laboratory and also has any direct or indirect interest in a facility that:

(i) Processes, cultivates, distributes, manufactures or sells hemp,[or] hemp products, consumables or marijuana in any state or territory of the United States; or

(ii) Cultivates, processes, distributes, dispenses or sells marijuana; and

(B) That is accredited as a laboratory in compliance with section 21a- 408-59 of the Regulations of Connecticut State Agencies;

(14) "Laboratory" means a laboratory located in the state that is licensed by the Department of Consumer Protection to provide analysis of controlled substances pursuant to section 21a-246 of the general statutes, The University of Connecticut, the Connecticut Agricultural Experiment Station, the Department of Public Health, the United States Food and Drug Administration, the United States Department of Agriculture or a facility that meets the following additional criteria that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third- party accrediting body such as the American Association for Laboratory Accreditation or the Assured Calibration and Laboratory Accreditation Select Services;

(15) "Law enforcement agency" means the Connecticut State Police, United States Drug Enforcement Administration, Department of Consumer Protection Drug Control Division or other federal, state or local law enforcement agency or drug suppression unit;

(16) "Licensee" means a person who possesses a license to cultivate, process or manufacture hemp or hemp products in this state;

(17) "Manufacture" means the conversion of the hemp plant into a byproduct by means of adding heat, solvents, or any method of extraction to modify the original composition of the plant into a consumable for commercial or research purposes[the purpose of creating a consumable];

(18) "Manufacturer" means a person in the state licensed by the Commissioner of Consumer Protection to manufacture, handle, store and market hemp pursuant to the federal act, the provisions of section 2 of this act and any regulation adopted pursuant to section 2 of this act;

(19) "Marijuana" has the same meaning as provided in section 21a- 240 of the Connecticut general statutes;

(20) "Market" or "marketing" means promoting, distributing or selling a product within the state, in another state or outside of the United States and includes efforts to advertise and gather information about the needs or preferences of potential consumers or suppliers;

(21) "On-site manager" means the individual designated by the licensee responsible for on-site management and operations of a licensed grower or licensed processor;

(22) "Pesticide" has the same meaning as "pesticide chemical" as provided in section 21a-92 of the general statutes;

(23) "Plot" means a contiguous area in a field, greenhouse or indoor growing structure containing the same variety or strain of hemp throughout the area;

(24) "Post-harvest sample" means a representative sample of the form of hemp taken from the harvested hemp from a particular plot's harvest that is collected in accordance with the procedures established by the commissioner;

(25) "Pre-harvest sample" means a composite, representative portion from plants in a hemp plot, that is collected in accordance with the procedures established by the commissioner;

(26) "Process" means using or converting hemp for the purpose of creating a form of the commodity, that is not a consumable, for commercial or research purposes;

(27) "Processor" means a person in the state licensed by the commissioner to process, handle, store and market hemp pursuant to the federal act, the provisions of this section and any regulation adopted pursuant to this section;

(28) "State plan" means a state plan, as described in the federal act and as authorized pursuant to this section;

(29) "Signing authority" means an officer or agent of the applicant with written authorization of such applicant to commit the applicant to a binding agreement;

(30) "THC" means delta-9-tetrahydrocannabinol;

(31) "Homogenize" means to blend hemp into a mixture that has a uniform quality and content throughout such mixture; and

(32) "Business entity" means any corporation, limited liability company, association or partnership.

(b) The Commissioner of Agriculture shall establish and operate an agricultural pilot program, as defined in 7 USC 5940, as amended from time to time, for hemp research to enable the department, and its licensees, to study methods of cultivating, processing and marketing hemp. All grower and processor licensees licensed pursuant to this section shall be participants in the state agricultural pilot program for hemp research. Until such time as said commissioner adopts regulations, in accordance with the provisions of chapter 54 of the general statutes, the Department of Agriculture shall utilize procedures and guidance policies that the commissioner deems to be consistent with the provisions of 7 USC 5940, as amended from time to time, provided such procedures and guidance policies shall, at a minimum, require: (1) The commissioner to certify and register any site used to grow hemp, (2) any person who grows hemp to produce plants that meet the definition of hemp and verify such, (3) the maintenance of records by any person who grows hemp and the availability of inspection of such records by the commissioner, and (4) verification of compliance with the definition of hemp by a laboratory, at the expense of any licensee. The provisions of this section shall take precedence over any such procedure or guidance policy. Participants in the state agricultural pilot program for hemp research shall be licensed in accordance with the provisions of this section. Such pilot program shall operate until the earlier of the date of a fully approved state plan under the federal act, as described in this section, or the date of repeal of the federal law permitting the state's agricultural pilot program for hemp research.

(c) The commissioner shall prepare a state plan in accordance with the federal act, for approval by the Governor and Attorney General, in consultation with the office of the Chief State's Attorney. The state plan, once approved by the Governor and the Attorney General, shall be submitted by the commissioner to the United States Secretary of Agriculture for his or

her approval. The commissioner shall have the authority to amend the state plan, in consultation with the Governor and the Attorney General in consultation with the office of the Chief State's Attorney, as necessary to comply with the federal act.

(d) The commissioner shall have the authority to enforce the federal act, as amended from time to time, the state plan, this section and any regulations adopted in accordance with the federal act and chapter 54 of the general statutes for hemp cultivation in the state. The commissioner shall have the authority to enforce the applicable processing standard for hemp products that are not consumables. The commissioner may consult, collaborate and enter into cooperative agreements with any federal or state agency, municipality or political subdivision of the state concerning application of the provisions of the federal act and the regulations adopted pursuant to the federal act, as may be necessary to carry out the provisions of this section.

(e) Any person who cultivates or processes hemp shall: (1) Be licensed by the commissioner; (2) only acquire certified seeds; and (3) transport hemp and hemp samples in a manner and with such documentation as required by the commissioner.

(f) Any person who sells hemp products shall not be required to be licensed provided such person only engages in: (1) The retail or wholesale sale of hemp or hemp products in which no further processing [or manufacturing] of the hemp products occurs and the hemp products are acquired from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity; (2) the acquisition of hemp or hemp products for the sole purpose of product distribution for resale; or (3) the retail sale of hemp products that are otherwise authorized under federal or state law.

(g) Any applicant for a license pursuant to this section shall meet each of the following requirements, as applicable:

(1) Each applicant shall submit an application for a license that consists, at a minimum, of the following: (A) The name and address of the applicant; (B) the name and address of the plot for the hemp cultivation or processing location; (C) the global positioning system coordinates and legal description of the plot used for the hemp cultivation; (D) the acreage size of the plot where the hemp will be cultivated; (E) written consent allowing the commissioner to conduct both scheduled and random inspections of and around the premises on which the hemp is to be cultivated, harvested, stored and processed; and (F) any other information as may be required by the commissioner;

(2) The applicant, on-site manager and signing authority for a grower license shall submit to state and national fingerprint-based criminal history records checks conducted in accordance with section 29-17a of the general statutes, at his or her own expense, and provide the results to the commissioner for review;

(3) No person who has been convicted of any felony, as prescribed in the federal act, shall be eligible to obtain a grower license; and

(4) Each applicant who obtains a grower or processor license shall pay for all costs of testing and resampling any hemp samples at a laboratory for the purpose of determining the THC concentration level.

(h) Any grower or processor license issued by the commissioner shall expire on the second following December thirty-first and may be renewed during the preceding month of October. Such licenses shall not be transferable.

(i) The following fees shall apply for each grower and processor license and inspection:

(1) A nonrefundable license application fee of fifty dollars, provided any constituent unit of higher education, state agency or department shall be exempt from such application fee if such cultivation or processing is for research purposes;

(2) A nonrefundable biennial grower license fee of fifty dollars per acre of planned hemp plantings, provided any constituent unit of higher education, state agency or department shall be exempt from such license fee if such cultivation is for research purposes;

(3) A nonrefundable processor licensing fee of two hundred fifty dollars for a license to process hemp provided any constituent unit of higher education, state agency or department shall be exempt from such license fee if such processing is for research purposes; and

(4) In the event that resampling by the commissioner is required due to a test result that shows a violation of any provision of this section or any regulation adopted pursuant to this section, the licensee shall pay an inspection fee of fifty dollars. Such fee shall be paid prior to the inspection and collection of the sample to be used for resampling.

(j) After receipt and review of an application for grower or processor licensure, the commissioner may grant a biennial license upon a finding that the applicant meets the applicable requirements. While the pilot program is in effect, the commissioner may grant a conditional approval of a grower license, pending receipt of the criminal history records check required by this section.

(k) Whenever an inspection or investigation conducted by the commissioner pursuant to title 22 of the general statutes reveals any violation of this section or any regulation adopted thereunder, the grower, processor, license applicant or respondent, as applicable, shall be notified, in writing, of such violation and any corrective action to be taken and the time period within which such corrective action shall be taken. Any such grower, processor, license applicant or respondent may request a hearing, conducted in accordance with chapter 54 of the general statutes, on any such notification.

(l) Nothing in this section shall be construed to limit the commissioner's authority to issue a cease and desist order pursuant to section 22-4d of the general statutes, or an emergency order, in order to respond to a condition that may present a public health hazard, or issue orders necessary to effectuate the purposes of this section, including, but not limited to, orders for the embargo, destruction and release of hemp or hemp products. Any cease and desist order or an emergency order shall become effective upon service of such order by the commissioner. Following service of any such order, subsequent proceedings shall proceed in accordance with the provisions of section 22-4d of the general statutes and the rules of practice for such agency.

(m) Following a hearing conducted in accordance with chapter 54 of the general statutes, the commissioner may impose an administrative civil penalty, not to exceed two thousand five hundred dollars per violation, and suspend, revoke or place conditions upon any grower or processor licensee who violates the provisions of this section or any regulation adopted pursuant to this section.

(n) (1) Any individual who cultivates or processes hemp in this state without obtaining a license pursuant to this section, or who cultivates or processes hemp in this state

after having a license suspended or revoked may be fined two hundred fifty dollars in accordance with the provisions of section 51-164n of the general statutes.

(2) Any business entity that cultivates or processes hemp in this state without obtaining a license pursuant to this section, or cultivates or processes hemp in this state after having a license suspended or revoked shall be fined not more than two thousand five hundred dollars per violation, after a hearing conducted in accordance with chapter 54 of the general statutes.

(o) Any negligent violation, as described in the federal act, of this section or the state plan shall be subject to enforcement in accordance with the federal act.

(p) Any person aggrieved by an order issued pursuant to this section may appeal to the commissioner in accordance with the provisions of chapter 54 of the general statutes. Such appeal shall be made in writing to the commissioner and received not later than fifteen days after the date of the order. If no appeal is made pursuant to this subsection the order shall be final.

(q) All documents included in an application for a grower or processor license submitted under this section shall be subject to disclosure in accordance with chapter 14 of the general statutes, except any document describing, depicting or otherwise outlining a licensee's security schematics and the results of any criminal history records check.

(r) The commissioner may inspect and shall have access to the buildings, equipment, supplies, vehicles, records, real property and other information that the commissioner deems necessary to carry out the commissioner's duties pursuant to this section from any person participating in the planting, cultivating, harvesting, processing, marketing or researching of hemp.

(s) The commissioner shall establish an inspection and testing program to determine THC levels and ensure compliance with the limits on THC concentration in all hemp grown in the state by a grower licensee. The grower shall collect a pre-harvest sample no more than fifteen days before the intended harvest date, in accordance with the commissioner's pre-harvest hemp sampling protocol adopted in accordance with chapter 54 of the general statutes and published on the Internet web site of the Department of Agriculture. The grower and processor licensees shall be responsible for all costs of disposal of hemp samples and any hemp produced by a licensee that violates the provisions of this section or any regulation adopted pursuant to this section. A hemp sample fails THC testing if the test report indicates that the sample contains an average THC concentration greater than0.3 per cent on a dry weight basis. The commissioner may order andconduct post-harvest sample THC testing of a plot if the results of an initial THC test on the pre-harvest sample provided and collected by the licensee indicate a THC concentration in the pre-harvest sample in excess of such permitted levels, unless the licensee elects to destroy the crop prior to post-harvest sample THC testing.

(t) Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f of the general statutes.

(u) All licensees pursuant to this section shall maintain records required by the federal act, this section and any regulation adopted pursuant to this section. Each licensee shall make such records available to the department immediately upon request of the commissioner and in electronic format, if available.

(v) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section including, but not limited to, establishing sampling and testing procedures to ensure compliance with the federal act and to prescribe disposal procedures for plants grown in violation of the federal act.

(w) Notwithstanding any provision of the general statutes: (1) Marijuana does not include hemp or hemp products; (2) THC that does not exceed 0.3 per cent by dry weight and that is found in hemp shall not be considered to be THC that constitutes a controlled substance; and (3) hemp products[-derived cannabidiols, including CBD,] shall not constitute controlled substances or adulterants solely on the basis of the hemp product containing CBD.[; and (4) hemp products that contain one or more hemp-derived cannabidiols, such as CBD, intended for ingestion shall be considered foods, not controlled substances or adulterated products solely on the basis of the containing hemp-derived cannabidiols.]

(x) Whenever the commissioner believes or has reasonable cause to believe that the actions of a licensee or any employee of a grower or processor licensee will violate any state law concerning the growing, cultivation, handling, transporting or possession of marijuana, the commissioner shall notify the Department of Emergency Services and Public Protection and the State Police.

(y) The Commissioner of Agriculture may enter an agreement with any state or federally recognized Indian tribe to assist such tribe in the development of a pilot program under the federal act or to have applicants from such tribe participate in the pilot program established pursuant to subsection (b) of this section.

Section 2. Section 2 of Public Act No. 19-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall manufacture in the state without a license to manufacture issued by the Commissioner of Consumer Protection.

(b) Each applicant for a manufacturer license shall submit an application on a form and in a manner prescribed by the Commissioner of Consumer Protection.

(c) The following fees shall apply for a license to manufacture:

(1) A nonrefundable license application fee of fifty dollars; and

(2) A nonrefundable licensing fee of two hundred fifty dollars for a license to manufacture hemp.

(d) A license to manufacture [hemp or hemp products]issued by the Commissioner of Consumer Protection pursuant to this section shall expire biennially on June thirtieth. Such licenses shall not be transferable.

(e) In accordance with a hearing held pursuant to chapter 54 of the general statutes, the Commissioner of Consumer Protection may deny, suspend or revoke a manufacturer license, issue fines of not more than two thousand five hundred dollars per violation and place conditions upon a manufacturer licensee who violates the provisions of this section and any regulation adopted pursuant to this section.

(f) (1) Any individual who manufactures in this state without obtaining a license pursuant to this section or who manufactures in this state after such entity's license is suspended or revoked shall be fined two hundred fifty dollars in accordance with the provisions of section 51-164n of the general statutes.

(2) Any business entity who manufactures in this state without obtaining a license pursuant to this section, or who manufactures in this state after having a license suspended, shall be fined not more than two thousand five hundred dollars per violation after a hearing conducted in accordance with the provisions of chapter 54 of the general statutes.

(g) Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f of the general statutes.

(h) The Commissioner of Consumer Protection may inspect and shall have access to the buildings, equipment, supplies, vehicles, records, real property and other information of any manufacturer applicant or licensee that the commissioner deems necessary to carry out the commissioner's duties pursuant to this section.

(i) (1) Each manufacturer shall follow the protocol in this subsection for disposing of hemp or consumables [hemp products] in the event that any hemp [or hemp product] is deemed to contain a THC concentration of more than 0.3 per cent on a dry weight basis, as determined by the Commissioner of Consumer Protection, or a manufacturer licensee in possession of hemp or consumables[hemp products] who desires to dispose of obsolete, misbranded, excess or otherwise undesired product. Each manufacturer licensee shall be responsible for all costs of disposal of hemp samples and any hemp produced by such licensee that violates the provisions of this section or any regulation adopted pursuant to this section. Any hemp [or hemp product] containing a THC concentration of more than 0.3 per cent on a dry weight basis shall be immediately embargoed by such manufacturer and clearly labeled as adulterated by such licensee and such licensee shall immediately notify both the Department of Consumer Protection and the Department of Agriculture, in writing, of such adulterated product. Such adulterated product shall be destroyed and disposed of by the following method, as determined by the Commissioner of Consumer Protection:

(A) Surrender, without compensation, of such hemp or consumable[hemp product] to the Commissioner of Consumer Protection who shall be responsible for the destruction and disposal of such adulterated product; [or]

(B) By disposal in the presence of an authorized representative of the Commissioner of Consumer Protection in such a manner as to render the hemp or consumable[hemp product] nonrecoverable[.] or

(C) Sale or transfer of the hemp to a medical marijuana producer, as defined in Chapter 420f, provided the manufacturer has obtained prior written authorization from the Commissioner of Consumer Protection.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, upon written request of a manufacturer, the Commissioner of Consumer Protection may permit such manufacturer to combine different batches to achieve a THC concentration of 0.3 per cent on a

dry weight basis, in lieu of embargo or destruction.

(j) The person disposing of the hemp or consumable[hemp product] shall maintain and make available to the Commissioner of Consumer Protection a record of each such disposal or destruction of product indicating:

(1) The date, time and location of disposal or destruction;

(2) The manner of disposal or destruction;

(3) The batch or lot information and quantity of hemp or consumable[hemp product] disposed of or destroyed; and

(4) The signatures of the persons disposing of the hemp or consumable[hemp product], the authorized representative of the Commissioner of Consumer Protection and any other persons present during the disposal.

(k) Any hemp intended to be manufactured as a consumable shall be tested by an independent testing laboratory or any other such laboratory that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third-party accrediting body. A manufacturer licensee shall make available samples, in an amount and type determined by the Commissioner of Consumer Protection, of hemp [or hemp product]for an independent testing laboratory employee to select random samples. The independent testing laboratory or other such laboratory shall test each sample for microbiological contaminants, mycotoxins, heavy metals and pesticide chemical residue, and for purposes of conducting an active ingredient analysis, if applicable, as determined by the Commissioner of Consumer Protection.

(l) Once a batch of hemp [or hemp product], intended to be sold as a consumable, has been homogenized for sample testing and eventual packaging and sale, until the independent testing laboratory or other such laboratory provides the results from its tests and analysis, the manufacturer licensee shall segregate and withhold from use the entire batch of hemp that is intended for consumable use, except the samples that have been removed by the independent testing laboratory for testing. During this period of segregation, the manufacturer licensee shall maintain the hemp [or hemp product]batch in a secure, cool and dry location, as prescribed by the Commissioner of Consumer Protection, so as to prevent the hemp [or hemp product] from becoming adulterated. Such manufacturer shall not manufacture or sell a consumable prior to the time that the independent testing laboratory or other such laboratory completes testing and analysis and provides such results, in writing, to the manufacturer licensee who initiated such testing.

(m) An independent testing laboratory or other such laboratory shall immediately return or dispose of any hemp [or hemp product] upon the completion of any testing, use or research. If an independent testing laboratory or other such laboratory disposes of hemp, the laboratory shall dispose of such hemp in the following manner, as determined by the Commissioner of Consumer Protection:

(1) By surrender, without compensation, of such hemp [or hemp product] to the Commissioner of Consumer Protection who shall be responsible for the destruction and disposal of such hemp [or hemp product]; [or]

(2) By disposal in the presence of an authorized representative of the Commissioner

of Consumer Protection in such a manner as to render the hemp [or hemp product] nonrecoverable[.] or

(3) Sale or transfer of the hemp to a medical marijuana producer, as defined in Chapter 420f, provided the manufacturer has obtained prior written authorization from the Commissioner of Consumer Protection based on a hemp conversion plan submitted by the medical marijuana producer.

(n) If a sample does not pass the microbiological, mycotoxin, heavy metal or pesticide chemical residue test, based on the standards prescribed by the Commissioner of Consumer Protection in regulations adopted in accordance with chapter 54 of the general statutes and published on the Internet web site of the Department of Consumer Protection, the manufacturer licensee who sent such batch for testing shall dispose of the entire batch from which the sample was taken in accordance with procedures established by the Commissioner of Consumer Protection by regulations adopted in accordance with chapter 54 of the general statutes.

(o) If a sample passes the microbiological, mycotoxin, heavy metal and pesticide chemical residue test, the independent testing laboratory or other such laboratory shall release the entire batch for manufacturing, processing or sale.

(p) The independent testing laboratory or other such laboratory shall file with the Department of Consumer Protection an electronic copy of each laboratory test result for any batch that does not pass the microbiological, mycotoxin, heavy metal or pesticide chemical residue test, at the same time that it transmits such results to the manufacturer licensee who requested such testing. Each independent testing laboratory or other such laboratory shall maintain the test results of each tested batch for a period of three years and shall make such results available to the Department of Consumer Protection upon request.

(q) Manufacturer licensees shall maintain records required by the federal act, this section and any regulation adopted pursuant to this section. Each manufacturer licensee shall make such records available to the Department of Consumer Protection immediately upon request and in electronic format, if available.

(r) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of this section including, but not limited to, establishing sampling and testing procedures to ensure compliance with the federal act and this chapter, to prescribe disposal procedures for plants grown in violation of the federal act and to establish advertising and labeling requirements for consumables.

(s) Any claim of health impacts, medical effects or physical or mental benefits shall be prohibited on any advertising for, labeling of or marketing of consumables. Any violation of this subsection shall be deemed an unfair or deceptive trade practice under chapter 735a of the general statutes.

(t) Not later than February 1, 2020, the Commissioners of Agriculture and Consumer Protection shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the general assembly having cognizance of matters relating to the environment on the status of the pilot program, the development of the state plan and any regulations for such pilot program or state plan. Additionally such report shall include any

legislative recommendations, including, but not limited to, any recommendations for requiring the registration of any consumable offered for sale in this state.

(u) Any person who sells consumables shall not be required to be licensed provided such person only engages in: (1) the retail or wholesale sale of consumables in which no further manufacturing of hemp occurs and the consumables are acquired from a person authorized to manufacture the consumables under the laws of this state or another state, territory or possession of the United States or another sovereign entity; (2) the acquisition of consumables for the sole purpose of product distribution for resale; or (3) the retail sale of consumables that is otherwise authorized under federal or state law.

(v) Notwithstanding any provision of the general statutes: (1) Marijuana does not include consumables; (2) CBD that is found in consumables shall not be considered a controlled substance as defined in Connecticut General Statutes Section 21a-240 or legend drug as defined in Connecticut General Statutes Section 20-571; and (3) cannabinoids derived from hemp and contained in consumables shall not be considered controlled substances or adulterants.

Section 3. Subdivision (7) of section 21a-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(7) "Cannabis-type substances" include all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof whether growing or not; the seeds thereof; the resin extracted from any part of such a plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, the sterilized seed of such plant which is incapable of germination, or **[**industrial**]** hemp, as defined in 7 USC **[**5940**]** 1639o, as amended from time to time. Included are cannabinon, cannabinol, cannabidiol and chemical compounds which are similar to cannabinon, cannabinol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp as defined in Public Act 19-3[modified];

Section 4. Subdivision (29) of section 21a-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(29) "Marijuana" means all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Marijuana does notinclude the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, the sterilized seed of such plant which is incapable of germination, or **[**industrial**]** hemp, as defined in 7 USC **[**5940**]** 1639o, as

amended from time to time. Included are cannabinon, cannabinol or cannabidiol and chemical compounds which are similar to cannabinon, cannabinol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp as defined in Public Act 19-3[modified];