



## Agency Legislative Proposal - 2022 Session

**Document Name:** 2022 DCP Consumer Protection

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Department of Consumer Protection

**Liaison:** Leslie O’Brien  
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Lead agency division requesting this proposal: Legal Division

Agency Analyst/Drafter of Proposal: Leslie O’Brien

**Title of Proposal:** An Act Concerning Consumer Protection

**Statutory Reference:** CGA sections 21a-79, 21a-79b, and 42-133ff

**Proposal Summary:**

Sections 1 and 2 update the statutes that regulate the methods of pricing consumer commodities to clarify that there is no difference between paper and electronic coupons, and that the failure to properly redeem a coupon at the point of sale is not the same as the failure to charge the posted or advertised price at the point of sale. Section 3 makes numerous changes to statutes regarding credit card 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?*

DCP has received numerous complaints and inquiries about advertised prices and coupon redemption by retailers where the statutory language isn’t entirely clear and there have been changes in technology.

Connecticut’s credit card surcharge law is similar to laws in other states (including New York) that are being challenged. None of the challenges have reached a final conclusion by SCOTUS, but several states have amended their laws in anticipation of a SCOTUS Decision.

◇ **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?

[Click here to enter text.](#)

### PROPOSAL IMPACT

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

**Agency Name:** None

**Agency Contact (name, title, phone):** [Click here to enter text.](#)

**Date Contacted:** [Click here to enter text.](#)

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency's Comments**

[Click here to enter text.](#)

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 (b) of section 21a-79 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):**

(b) (1) (A) Any person, firm, partnership, association or corporation that utilizes universal product coding in totaling a retail customer's purchases shall mark or cause to be marked each consumer commodity that bears a Universal Product Code with its retail price.

(B) Any person, firm, partnership, association or corporation that utilizes an electronic pricing system in totaling a retail consumer's purchases shall provide each consumer with an item-by-item digital display, plainly visible to the consumer as each universal pricing code is scanned, of the price of each consumer commodity or carbonated soft drink container, or both, selected for purchase by such consumer prior to accepting payment from such consumer for such commodity or container. The provisions of this subparagraph do not apply to any person, firm, partnership, association or corporation operating in a retail sales area of not more than ten thousand square feet.

(2) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The Commissioner of Consumer Protection, by regulation, allows for the utilization of electronic shelf labeling systems; (B) a retailer is granted approval to utilize an electronic shelf labeling system by the commissioner; (C) the retailer has demonstrated to the satisfaction of the commissioner that such electronic shelf labeling system is supported by an electronic pricing system that utilizes universal product coding in totaling a retail customer's purchases; and (D) the retailer has received approval for such an electronic pricing system by the commissioner.



(3) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The retailer has met the conditions of subdivision (2) of this subsection; and (B) the retailer has received permission by the commissioner to suspend implementation of the electronic pricing system for a period not to exceed thirty days in order to allow the retailer or an agent acting on behalf of the retailer to reset, remodel, repair or otherwise modify such system at the retail establishment.

(4) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply if: (A) The retailer applies and is approved for an exemption by the Commissioner of Consumer Protection, (B) the retailer demonstrates to the satisfaction of the commissioner that the retailer has achieved price scanner accuracy of at least ninety-eight per cent, as determined by the latest version of the National Institute of Standards and Technology Handbook 130, "Examination Procedures for Price Verification, as adopted by The National Conference on Weights and Measures", (C) the retailer pays an application fee, to be used to offset annual inspection costs, of three hundred fifteen dollars if the premises consists of less than twenty thousand square feet of retail space and six hundred twenty-five dollars if the premises consists of twenty thousand square feet or more of retail space, (D) the retailer makes available a consumer price test scanner approved by the commissioner and located prominently in an easily accessible location for each twelve thousand square feet of retail floor space, or fraction thereof, and (E) price accuracy inspections resulting in less than ninety-eight per cent price scanner accuracy are reinspected without penalty and the retailer pays a two-hundred-fifty-dollar reinspection fee.

(5) Notwithstanding any provision of this subsection, consumer commodities that are offered for sale and that are located on an end cap display within the retail sales area are not subject to the requirements specified under this subsection, provided any information that would have been available to a consumer pursuant to this section is clearly and conspicuously posted on or adjacent to such end cap. For purposes of this subdivision, "end cap display" means the location in the retail sales area that is at the immediate end of an aisle.

(6) Consumer commodities that are advertised in a publicly circulated printed form as being offered for sale at a reduced price for a minimum seven-day period need not be individually marked at such reduced retail price, provided such consumer commodities are individually marked with their regular retail price and a conspicuous sign is adjacent to such consumer commodities, which sign discloses: (A) The reduced retail price and its unit price; and (B) a statement that the item will be electronically priced at the reduced price by the cashier.

(7) If a consumer commodity is offered for sale and its electronic price is higher than the , then one item of such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost. A conspicuous sign shall adequately disclose to the consumer that in the event the electronic price is higher than the posted retail price, one item of such consumer commodity shall be given to the customer at no cost. This subdivision shall not apply if a retailer improperly fails to redeem a coupon, whether digital or paper, to reduce the price of a consumer commodity, or if a retailer fails to remove a sign adjacent to a consumer commodity disclosing a reduced price for such commodity for a specified time period once the time period has expired.



(8) If a consumer presents a coupon, whether such coupon is digital or paper, to reduce the price of a consumer commodity and the retailer improperly fails to redeem such coupon, the consumer shall receive the value of the coupon as a refund. If a consumer commodity is offered for sale at a reduced price for a specified time period and a sign disclosing that reduced price remains adjacent to the commodity beyond the expiration date of that time period, the consumer shall pay only the reduced price disclosed in the sign for the commodity.

**Section 2. Section 21a-79b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2022):**

(a) For the purposes of this section "consumer commodity" has the same meaning as provided in section 21a-73, except that "consumer commodity" does not include alcoholic liquor, as defined in subdivision (3) of section 30-1, or a carbonated soft drink container.

(b) Notwithstanding the provisions of section 21a-79, if a consumer commodity, including, but not limited to, fruits or vegetables weighed at the point of sale, is offered for sale by a retailer and its price to the consumer at the point of sale is higher than the posted or advertised price, then such consumer commodity, up to a value of twenty dollars, shall be given to the consumer at no cost. A conspicuous sign shall adequately disclose to the consumer that in the event such price is higher than the posted or advertised retail price, such consumer commodity shall be given to the customer at no cost. This subsection shall not apply if a retailer improperly fails to redeem a valid coupon, whether digital or paper, to reduce the price of a consumer commodity, or if a retailer fails to remove a sign adjacent to a consumer commodity disclosing a reduced price for such commodity for a specified time period once the time period has expired.

(c) Notwithstanding the provisions of section 21a-79, if a consumer presents a coupon, whether such coupon is digital or paper, to reduce the price of a consumer commodity, including, but not limited to, fruits or vegetables weighed at the point of sale, and the retailer improperly fails to redeem such coupon, the consumer shall receive the value of the coupon as a refund. If a consumer commodity, including, but not limited to, fruits or vegetables weighed at the point of sale, is offered for sale at a reduced price for a specified time period and a sign disclosing that reduced price remains adjacent to the commodity beyond the expiration date of that time period, the consumer shall pay only the reduced price disclosed in the sign for the commodity.

[(c)] (d) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation or impose a civil penalty of not more than one hundred dollars for the first offense and not more than five hundred dollars for



each subsequent offense on any person, firm, partnership, association or corporation that violates any provision of subsections (b) or (c) of this section. Each violation with respect to all units of a particular consumer commodity on any single day shall be deemed a single offense.

~~[(d)]~~ (e) The provisions of this section do not apply to any person, firm, partnership, association or corporation operating in a retail sales area of not more than ten thousand square feet.

**Section 3. Section 42-133ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):**

(a) As used in this section:

(1) “Agent” means a person who arranges for the distribution of services by another person or sells, rents, or leases property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value on behalf of another person. The term “agent” includes any person duly appointed as agent by a common carrier or a member of a cruise line association that operates exclusively as an agent for cruise lines in the sale of cruise travel products or services who sells travel, transportation or vacation arrangements travel, transportation or vacation arrangements on behalf of a person engaged in the business of furnishing travel, transportation, or vacation services. The term “agent” does not include a common carrier, an employee of a common carrier, or a person engaged in the business of furnishing travel, transportation, or vacation services.

(2) “Charge card” means any card, instrument, or device, issued with or without fee but requiring its holder to pay the full outstanding balance at the end of the standard billing cycle established by the issuer of the card, instrument, or device, that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real personal or mixed, and any other article, commodity, or thing of value. The term “charge card” includes any software application that is used to store a digital form of a charge card that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value.

(3) “Credit card” means any card, instrument, or device, issued with or without fee, that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value on credit, regardless of whether the card, instrument, or device is known as a credit card, a credit plate, or by any other name. The term “credit card” includes any software application that is used to store a digital form of a credit card that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value on credit.



(4) “Debit card” means any card, code, device or other means of access, or any combination thereof, that is issued or authorized for use to debit an asset account held directly or indirectly by a financial institution and that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value, regardless of whether the card, code, device or other means of access, or any combination thereof, is known as a debit card. The term “debit card” includes, but is not limited to, cards, codes, devices or other means of access or some combination thereof, commonly known as payroll cards and automated teller machine cards, as well as any software application that is used to store a digital form of a debit card that may be used in a transaction to receive services or purchase, rent, or lease any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value. The term “debit card” does not include a check, draft or similar paper instrument, or an electronic representation thereof.

(5) “Person” means a natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association, and any other legal entity.

(6) “Transaction” means the distribution by a person of any service or the sale, rental, or lease by a person of any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value to another person for a certain price. The term “transaction” does not mean the payment of any fee, cost, fine or other charges to a state agency, authorized by the Secretary of the Office of Policy and Management in accordance with section 1-1j, the payment of taxes, penalties, interest and fees allowed by the Commissioner of Revenue Services in accordance with section 12-39r, the payment of taxes, penalties, interest and fees and other charges to a municipality in accordance section 12-141a, the payment of any fees, costs, fines or other charges or fees to the Judicial Branch in accordance with section 51-193b, or any other provision of any general statute or regulation.

(7) “Surcharge” means any additional fee or charge that increases the total amount of a transaction for the privilege of using a particular type of payment.

[(a)] (b) No [seller] person may impose a surcharge [on a buyer who elects to use any method of payment, including, but not limited to, cash, check, credit card or electronic means, in] on any [sales] transaction.

[(b)] Any seller who accepts or offers to accept a bank credit card or bearing a trade name as a means of payment shall accept any bank credit card or bearing such trade name presented by a cardholder, notwithstanding the identity of the card issuer. For the purposes of this subsection, “bank credit card” means any credit card issued by a bank, savings bank, savings and loan association or credit union.]

[(c)] Nothing in this section shall prohibit any person [seller] from offering a discount on any transaction [to a buyer] to induce [such buyer to] payment by cash, debit card, check or similar means rather than by credit card or charge card. No person shall offer such discount unless a notice shall be posted disclosing such discount. Such notice shall be clearly and conspicuously posted at the person’s premises.



For any transaction that is processed online, the person must clearly and conspicuously display such notice before the completion of the transaction. For any transaction that is processed via digital payment application, the person shall clearly and conspicuously post such notice before the completion of the transaction. For any transaction that is processed orally, including but not limited to by telephone, the person shall provide such notice verbally. In furtherance of the legislative findings contained in section 42-133j, no existing or future contract or agreement shall prohibit a gasoline retailer or distributor from offering a discount to a buyer based upon the method of payment by such buyer for such gasoline. Any provision in such contract or agreement prohibiting such retailer or distributor from offering such discount is void and without effect as contrary to public policy.

[(d) Nothing in this section shall prohibit any seller from conditioning acceptance of a credit on a buyer's minimum purchase. Each seller shall disclose any such minimum purchase policy orally or in writing at the point of purchase. For the purposes of this subsection, "at the point of purchase" includes, but is not limited to, at or on a cash register and in an advertisement or menu.]

(d) No person shall condition the acceptance of a credit card or charge card on a minimum amount for a transaction unless a notice shall be posted disclosing the imposition of the minimum transaction amount. Such notice shall be clearly and conspicuously posted at the person's premises. For any transaction that is processed online, the person must clearly and conspicuously display such notice before the completion of the transaction. For any transaction that is processed via digital payment application, the person shall clearly and conspicuously post such notice before the completion of the transaction. For any transaction that is processed orally, including but not limited to by telephone, the person shall provide such notice verbally.

(e) No [provider of travel services] person may [impose a surcharge on or] reduce the commission paid to [a travel agent who acts as] an agent for such person in a transaction if a credit card or charge card is used to pay for such transaction. [provider if the buyer uses a credit card to purchase such provider's travel services. A violation of any provision of this subsection shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b. As used in this subsection, "provider of travel services" means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services, but does not include a travel agent, and "travel agent" means a natural person, firm, corporation, limited liability company, trust, partnership, incorporated or unincorporated association, or other legal entity that (1) is (A) a duly appointed agent of a common carrier such person, or (B) a member of a cruise line association and operates exclusively as an agent for cruise lines in the sale of cruise travel products or services, and (2), as an agent for such person, offers or sells, rents, leases the provision of services or any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value to another person for a certain price travel, transportation or vacation arrangements as an agent for a provider of travel services, but does not include a common carrier or an employee of a common carrier.]





(f) A violation of any provision of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b and may result in a fine to be imposed by the Department of Consumer Protection in an amount not to exceed five hundred dollars per violation. Any such fine shall be deposited into the consumer protection enforcement account established pursuant to section 21-8a.

(g) The Commissioner of Consumer Protection may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

(h) Each subsection, subdivision, subparagraph, clause, provision or portion of this section or any subsequent amendment to any such subsection, subdivision, subparagraph, clause, provision or portion of this section shall be construed as separable and severable from all other subsections, subdivisions, subparagraphs, clauses, provisions or portions of this section. If any provision of this of section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section.



## Agency Legislative Proposal - 2022 Session

**Document Name:** 2022 DCP Licensing and Enforcement

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_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 Licensing and Enforcement

**Statutory Reference:** CGA sections 20-334d, 16a-17(b), 16a-23m, 16a-23o, 21a-152, 21a-156, 21a-160; PA 21-27 section 23

**Proposal Summary:**

Section 1 adds language to the homemaker companion statutes to prohibit a homemaker-companion agency or its employee from acting as a power of attorney for any person contracted with such agency to receive services;  
Section 2 amends CGA section 20-334d to allow for accredited continuing professional education programs for licensed plumbers and electricians to be offered through online learning;  
Sections 3, 4 and 5 amend CGA sections 16a-17, 16a-23m and 16a-23o to expand the definition of "heating fuel" to include fuel used for cooking and power generation and to make other carry forward changes;  
Sections 6, 7 and 8 amend CGA sections 21a-152, 21a-156 and 21a-160 to update the food warehouse and manufacturing statutes so that they are consistent and to clarify that local health authorities can enforce orders or regulations concerning the sanitary condition of retail bakeries;  
Sections 9 -11 fix drafting errors in sections 16 and 23 of PA 21-37. The error in section 16 which conflict with regulations for the Board of Accountancy, and in section 23 would result in occupational trades licensees not being able to invoice for on-call work; and  
Section 12 amends CGA section 20-500 to amend the Appraisal Management statutes as a result of a federal audit.

### 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 update and streamline DCP heating fuel and food safety statutes and to modify homemaker-companion and occupational licensing statutes to ensure the protection of consumers.



◇ **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?*

Click here to enter text.

### PROPOSAL IMPACT

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

**Agency Name:** None

**Agency Contact (name, title, phone):** Click here to enter text.

**Date Contacted:** Click here to enter text.

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

**Summary of Affected Agency's Comments**

Click here to enter text.

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. (NEW) (Effective from passage):** (a) No person, other than an immediate family member, who has an ownership interest in or who is a corporate officer of a homemaker-companion agency, or any employee or agent thereof, shall act as an agent under a power of attorney for any person contracted with such agency to receive homemaker or companion services. For purposes of this subsection, "immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(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 by the commissioner for good cause.

**Section 2. Section 20-334d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

Sec. 20-334d. Continuing professional education requirements for electricians and plumbers. Regulations. Exemptions. (a) As used in this section:

(1) "Accredited continuing professional education" means any education of an electrician or plumber that is designed to maintain professional competence in the pursuit, practice and standards of



electrical work or plumbing and piping work and that is approved by the commissioner and is provided by an organization, institution or agency that is approved by the commissioner;

(2) "Certificate of continuing education" means a document issued to an electrician or plumber by an organization, institution or agency approved by the commissioner that offers accredited continuing professional education, which (A) certifies that an electrician or plumber has satisfactorily completed a specified number of continuing education hours, and (B) bears the name of such organization, institution or agency, the title of the program, the dates during which the program was conducted, the number of continuing education hours satisfactorily completed and the signature of the director of such organization, institution or agency or the signature of the director's authorized agent;

(3) "Commissioner" means the Commissioner of Consumer Protection.

(b) The commissioner, with the advice and assistance of the Electrical Work Board established pursuant to subsection (b) of section 20-331, shall adopt regulations, in accordance with chapter 54, to (1) establish requirements for accredited continuing professional education for electricians licensed pursuant to sections 20-330 to 20-341, inclusive; (2) establish qualifying criteria for accredited continuing professional education programs and establish qualifying criteria for acceptable certificates of continuing education; and (3) provide for the waiver of required accredited continuing professional education for electricians for good cause. Such regulations shall require not less than four hours per year of accredited continuing professional education for such electricians, except upon request of the Electrical Work Board, the commissioner may increase such hours to a maximum of seven hours.

(c) The commissioner, with the advice and assistance of the Plumbing and Piping Work Board established pursuant to subsection (d) of section 20-331, shall adopt regulations, in accordance with chapter 54, to (1) establish requirements for accredited continuing professional education for plumbers licensed pursuant to sections 20-330 to 20-341, inclusive, which regulations shall require not more than a total of seven hours of accredited continuing professional education every two years, except in the event of significant changes to the building code, as approved by the International Code Council, that relate to plumbing, the commissioner, at such commissioner's discretion, may require more than a total of seven hours of accredited continuing professional education every two years; (2) establish qualifying criteria for accredited continuing professional education programs and establish qualifying criteria for acceptable certificates of continuing education; and (3) provide for the waiver of required accredited continuing professional education for plumbers for good cause.

(d) Notwithstanding the provisions of subsection (c) of this section, any person who has been issued a P-6, P-7, W-8 or W-9 license pursuant to section 20-334a and the regulations of Connecticut state



agencies shall not be required to meet the continuing education requirements established pursuant to subsection (c) of this section.

(e) Notwithstanding any regulations to the contrary, the provision of accredited continuing professional education programs for electricians licensed pursuant to sections 20-330 to 20-341 may be offered through online learning.

(f) Notwithstanding any regulations to the contrary, the provision of accredited continuing professional education for plumbers licensed pursuant to sections 20-330 to 20-341 may be offered through online learning.

(g) Accredited continuing professional education programs offered online shall be conducted by live stream instruction where attendees shall have the ability to interact with an instructor in real time.

**Section 3. Subsection (b) of Section 16a-17 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

- (1) "Associated equipment" means a gas regulator, gas line, sacrificial anode, interconnecting hardware and such other equipment necessary for the installation and operation of a propane tank;
- (2) "Automatic delivery" means the delivery of heating fuel to a consumer by a dealer pursuant to a system determined by the dealer of calculating the heating fuel needs of the consumer, based on the consumer's consumption of heating fuel;
- (3) "Cash" means legal tender, a certified or cashier's check, commercial money order or equivalent of such legal tender, check or money order. Cash also includes a guaranteed payment on behalf of a consumer by a government or community action agency, provided no discount is taken for the charge as billed;
- (4) "Commissioner" means the Commissioner of Consumer Protection;
- (5) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer[, when such fuel is the primary source of heat for residential heating or domestic hot water,] to one or more dwelling units within a structure having not more than four dwelling units;
- (6) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;



- (7) "Heating fuel" means any petroleum-based fuel used as the primary source of residential heating or domestic hot water, or used for cooking or power generation, including petroleum products regulated pursuant to chapter 250;
- (8) "Heating fuel dealer" or "dealer" means any individual or group of individuals, a firm, partnership, corporation, cooperative or limited liability company that offers the retail sale of heating fuel to a consumer;
- (9) "Lessee" means a natural person who rents or leases personal property under a consumer rental or lease agreement;
- (10) "Lessor" means a heating fuel dealer who regularly provides the use of personal property through consumer rental or lease agreements and to whom rent is paid at a fixed interval for the use of such property;
- (11) "Notice of termination of automatic delivery" means a notice by a consumer to a dealer providing automatic delivery in which the consumer requests the dealer to terminate automatic delivery; and
- (12) "Purchase price" or "commercially reasonable price" means a price that does not exceed the fair market value of the propane tank and associated equipment, as applicable.

**Section 4. Subsection (a) of Section 16a-23m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):**

- (1) "Budget plan" means a type of contract offering heating fuel, that may be paid for in advance, on or after delivery and is paid for in not less than three installment payments over a period of one hundred twenty days or more, provided the amount required to be paid as the first payment is not greater than fifty per cent of the remaining amount due under the plan;
- (2) "Capped price plan" means an agreement where the cost to the consumer of heating fuel shall not increase above a specified price per gallon and the consumer shall pay less than the specified price under circumstances specified in such contract;
- (3) "Commissioner" means the Commissioner of Consumer Protection;
- (4) "Consumer" means a direct purchaser of heating fuel from a heating fuel dealer[, when such fuel is the primary source of heating fuel for residential heating or domestic hot water] to one or more dwelling units within a structure having not more than four dwelling units;



- (5) "Forwards contract" means an agreement between two parties to buy or sell an asset at a certain future time for a certain price;
- (6) "Futures contract" means a standardized, transferable, exchange-traded agreement that requires delivery of heating fuel at a specified price on a specified future date;
- (7) "Gallon" means an accepted unit of measure consisting of two hundred thirty-one cubic inches, for all liquid or gaseous heating fuel, subject to modifications allowed under regulations adopted pursuant to section 43-42;
- (8) "Guaranteed price plan", also known as "guaranteed plan", "fixed price", "full price", "lock in", "capped", "price cap", or other similar terminology, when used to describe a contract, means a type of contract that is not paid in advance of delivery, offering heating fuel at a guaranteed future price or at a maximum future price;
- (9) "Heating fuel" means any petroleum-based fuel used as a primary source of residential heating or domestic hot water, or used for cooking or power generation, including petroleum products regulated pursuant to chapter 250;
- (10) "Heating fuel dealer" or "dealer" means any individual or group of individuals, or a firm, partnership, corporation, cooperative or limited liability company that offers the retail sale of heating fuel to consumers;
- (11) "Heating oil" means a predominantly liquefied petroleum product at ambient temperatures, that is sold as a commodity and is a primary source of residential heating or domestic hot water, including products known as #2 oil (heating oil), #1 oil (kerosene), #4 oil, bio fuels, or any bio fuel blended with conventionally refined fossil fuel commodities and that meets the requirements of the American Society for Testing and Materials Standard D396, as amended from time to time;
- (12) "Maintain" means retention of the balance, measured in gallons or other accepted units of measure, of heating fuel that remains to be delivered to consumers who are party to a guaranteed price plan contract;
- (13) "Physical supply contract" means an agreement for wet barrels or gallons of heating fuel that has been secured by a heating fuel dealer;
- (14) "Prepaid guaranteed price plan", also known as "buy ahead", "prebuy", "prebought" or other similar terminology, when used to describe a contract, means a type of contract offering heating fuel at a guaranteed price, paid for in advance of delivery, but does not include a budget plan;





(15) “Propane” or “liquefied petroleum gas (LPG)” means a petroleum product that meets ASTM specification D1835, as amended from time to time, and is composed predominantly of any of the following hydrocarbons or mixtures thereof: Propane, propylene, butanes (normal butane or isobutane), and butylenes and is intended for use, among other things, as a fuel for residential heating; and

(16) “Surety bond” means a bond issued by a licensed insurance company or banking institution as surety for a dealer obligating the surety to the commissioner in a sum certain in guaranty of the full and faithful performance by the dealer of prepaid guaranteed price plan contracts entered into pursuant to this chapter.

**Section 5. Section 16a-23o of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

**Sec. 16a-23o. [Home heating oil and propane gas] Heating Fuel dealers offering plumbing or heating work service. Registration requirements. Display of license number.** Any person, firm or corporation required to register as a [home heating oil or propane gas] heating fuel dealer pursuant to section 16a-23m that offers plumbing or heating work service shall submit evidence, deemed satisfactory by the Commissioner of Consumer Protection, when registering, that such person, firm or corporation subcontracts with or employs only persons licensed or registered pursuant to chapter 393 to perform such work. Such person, firm or corporation shall attest, when applying for registration as a heating fuel dealer pursuant to section 16a-23m, that all plumbing or heating work service shall be performed in accordance with the provisions of chapter 393. Anyone registered under this section who offers such plumbing or heating services shall display the state license number of the subcontractor or employee performing such work for the registrant on all commercial vehicles used in their business and shall display such number in a conspicuous manner on all printed advertisements, bid proposals, contracts, invoices and stationery used in the business.

**Section 6. Section 21a-152 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

Sec. 21a-152. (Formerly Sec. 19-284). Licensing requirements for bakeries, food warehouses and food manufacturing establishments. Exemptions. Regulations. License revocation. Certificate of approval.

(a) Each bakery, food warehouse and food manufacturing establishment shall be designed, constructed and operated as the Commissioner of Consumer Protection directs pursuant to sections 21a-151 to 21a-160, inclusive, and chapter 418. [The provisions of this subsection requiring the commissioner to direct the design and construction of a food warehouse shall not be required for a food warehouse that was registered in good standing pursuant to section 21a-160 prior to October 1, 2019, provided the warehouse is in good repair so that stored food is properly protected and the



**premises is free of pests.]** Each bakery, food warehouse and food manufacturing establishment remains subject to the provisions of chapter 418.

(b) No person, firm or corporation shall operate a bakery, food warehouse or food manufacturing establishment with the intent of producing or storing products for human consumption without having obtained from said commissioner a license. Application for such license shall be made on forms, furnished by the commissioner, showing the name and address of such bakery, food warehouse or food manufacturing establishment. Bakeries shall show the number of persons engaged in the production of bread and pastry products, excluding porters, dishwashers, drivers, sales personnel and other employees not directly engaged in such production. The commissioner shall cause an inspection to be made of the premises described in the application and, if conditions are found satisfactory, such license shall be issued. No person, firm or corporation operating a bakery, food manufacturing establishment, food warehouse or any agent, servant or employee thereof, shall refuse, hinder or otherwise interfere with access by the commissioner or his authorized representative for the purpose of conducting an inspection. No person, firm or corporation shall (1) sell or distribute bread, cakes, doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni or other food products, including frozen or canned baked goods made in whole or in part of flour or meal produced in any bakery located within or beyond the boundaries of this state, (2) sell or distribute food produced in a food manufacturing establishment located within the boundaries of this state, or (3) store any food for wholesale distribution in a food warehouse, unless such bakery, food warehouse or food manufacturing establishment has obtained a license from said commissioner. Facilities licensed pursuant to chapter 417 as food vendors and frozen dessert vendors, and all facilities licensed pursuant to chapters 419a and 430 shall be exempt from such licensing requirement. The commissioner may promulgate regulations excepting out-of-state manufacturers of products, commonly known as cookies, crackers, brown bread or plum puddings in hermetically sealed containers and other similar products, from the license provisions of this section. Such license shall be valid for one year and a fee therefor shall be collected as follows: From a person, firm or corporation owning or conducting a bakery in which there are four persons or fewer engaged in the production of bread and pastry products, twenty dollars; in which there are not fewer than five nor more than nine persons so engaged, forty dollars; in which there are not fewer than ten nor more than twenty-four persons so engaged, one hundred dollars; in which there are not fewer than twenty-five nor more than ninety-nine persons so engaged, two hundred dollars; in which there are more than one hundred persons so engaged, two hundred fifty dollars. The fee for a food manufacturer or food warehouse license shall be twenty dollars annually. **[No prior inspection by the commissioner shall be necessary for a food warehouse registered under section 21a-160 prior to October 1, 2019, which is required to transfer its registration to a new license under the provisions of this subsection.]**

(c) A bakery, food warehouse or food manufacturer license may be revoked by said commissioner for violation of sections 21a-151 to 21a-160, inclusive, after a hearing conducted in accordance with chapter 54. In addition, a bakery or food manufacturer or food warehouse license may be summarily



suspended pending a hearing if said commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Within ten days following the suspension order said commissioner shall cause to be held a hearing which shall be conducted in accordance with the provisions of said chapter 54. Following said hearing said commissioner shall dissolve such suspension or order revocation of the bakery, food warehouse or food manufacturer license. Any person, firm or corporation whose license has been revoked may make application for a new license and said commissioner shall act on such application within thirty days of receipt. The costs of any inspections necessary to determine whether or not an applicant, whose license has been revoked, is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. Said commissioner may refuse to grant any bakery, food warehouse or food manufacturer license if he or she finds that the applicant has evidenced a pattern of noncompliance with the provisions of sections 21a-151 to 21a-160, inclusive. Prima facie evidence of a pattern of noncompliance shall be established if said commissioner shows that the applicant has had two or more bakery, food warehouse or food manufacturer licenses revoked.

(d) All vehicles used in the transportation of bakery, food manufacturing establishment, or food warehouse products shall be kept in a sanitary condition and shall have the name and address of the bakery, or food warehouse, owner, operator, or distributor legibly printed on both sides. Each compartment in which unwrapped bakery or food warehouse products are transported shall be enclosed in a manner approved by the commissioner.

(e) The provisions of this section shall not prevent local health authorities from enforcing orders or regulations concerning the sanitary condition of retail bakeries.

(f) Any person who desires to obtain a license under the provisions of sections 21a-151 to 21a-160, inclusive, shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough in which the facility is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another or in the case of a renewal of a license by the holder of the license or in the case of a new license, if the proposed usage conforms to existing zoning requirements. The commissioner shall not issue any license under the provisions of sections 21a-151 to 21a-160, inclusive, for which a certificate of approval is required until such certificate of approval is obtained by the license applicant. [The provisions of this subsection requiring a certificate of approval from the zoning commission or other local authority shall not apply to any food warehouse that was registered in good standing pursuant to section 21a-160 prior to October 1, 2019.]



**Section 7. Section 21a-156 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

Sec. 21a-156. (Formerly Sec. 19-288). Regulations. The commissioner shall, from time to time, after inquiry and public hearing, adopt and promulgate regulations to supplement and give full effect to the provisions of sections 21a-151 to 21a-160, inclusive. Such regulations, among other things, may establish sanitary requirements pertaining to the manufacture and distribution of bread and pastry products. Such regulations may also cover provisions restricting the sale of dangerous, harmful and unwholesome bread and pastry products, the labeling of bread and pastry products, the inspection of bakeries, food warehouses, food manufacturer establishments and the establishment of costs for special inspections. The commissioner shall annually review the amounts of food manufacturer establishment, bakery and food warehouse license fees referred to in subsection (b) of section 21a-152 and shall increase such fees in order to reflect the costs to the department of carrying out the provisions of sections 21a-151 to 21a-160, inclusive.

**Section 8. Section 21a-160 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

Sec. 21a-160. [Operation of food warehouse. License. Fee. No person, firm or corporation shall operate a food warehouse without having obtained a license from the Commissioner of Consumer Protection. Application for a license shall be on forms prescribed by the commissioner. The commissioner shall issue a license to an applicant who has completed such forms to the satisfaction of the commissioner and has paid the license fee. A license shall be valid for one year and the fee for such license shall be twenty dollars.] Reserved for future use.

**Section 9. Section 23 of Public Act 21-37 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):** (a) No written contract to perform work on a private residence, as defined in section 20-419 of the general statutes, by a contractor licensed pursuant to chapter 393 of the general statutes or any person who owns or controls a business engaged to provide the work or services licensed under the provisions of said chapter by persons licensed for such work, shall be valid or enforceable against an owner, as defined in section 20-419 of the general statutes, unless it: (1) [Is in writing; (2)] is signed by the owner and the contractor or business; [(3)2] contains the entire agreement between the owner and the contractor or business; [(4)3] contains the date of the transaction; [(5)4] contains the name and address of the contractor and the contractor's license number or, in the case of a business, the name of the business owner, partner or limited liability member and the phone number and address of the business, partnership or limited liability company; [(6)5] contains the name and license number of any licensees performing the work, provided the name and the license number of a licensee may be amended in writing during the term of the contract; [(7)6] contains a notice of the owner's cancellation rights in accordance with



the provisions of chapter 740 of the general statutes; and ([8]Z) contains a starting date and completion date.

(b) The notice of the owner's cancellation rights in accordance with the provisions of chapter 740 of the general statutes do not apply to a written contract that meets all of the following requirements: (1) the contract is executed in connection with making emergency or immediately necessary repairs for the protection of persons or real or personal property; and (2) the owner gives the contractor or business a separate statement that is dated and signed that describes the situation that requires immediate remedy, and expressly acknowledges and waives the right to cancel the sale within three or seven business days, whichever applies.

(c) The contractor or business shall provide and deliver to the owner, without charge, a completed copy of the contract at the time such contract is executed. Any written amendments made during the term of the contract shall also be provided and delivered to the owner, without charge, at the time such amendments are made.

([b]d) Each change in the terms and conditions of a contract specified in subsection (a) of this section shall be in writing and shall be signed by the owner and contractor or business, except that the commissioner may, by regulations adopted pursuant to chapter 54 of the general statutes, dispense with the necessity for complying with such requirement.

**Section 10. (NEW) (Effective July 1, 2022): Invoice information for the work performed on a private residence under chapter 393 of the general statutes.** (a) A written invoice of completed work on a private residence, as defined in section 20-419 of the general statutes, by a contractor licensed pursuant to chapter 393 of the general statutes or any person who owns or controls a business engaged to provide the work or services licensed under the provisions of said chapter by persons licensed for such work, shall contain the following information: (1) is signed by the licensed contractor or the licensed contractor of record for such business for such work performed as defined within this chapter; (2) the name and address of the contractor and the contractor's license number or, in the case of a business, the name of the business owner, partner or limited liability member and the phone number and address of the business, partnership or limited liability company; (3) a description for such work performed; (4) the labor and material costs for such work; (5) all of the date(s) such work was performed; and (6) the complete name(s) and license number(s) of any licensees that performed such work.

**Section 11. Subsection (c) of Section 16 of Public Act 21-37 is repealed and the following is substituted in lieu thereof (Effective Upon Passage):**



(c) For any Department of Consumer Protection license, certificate, registration or permit that requires the 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 license, certificate, registration or permit, except for licenses issued pursuant to [chapter s 389 and 400j](#).

**Section 12. Subsection (3) of section 20-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective Upon Passage*):**

(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. 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;

(C) A department or [\[unit of a financial institution subject to regulation by an agency or department of the United States government or an agency of this state that only receives appraisal requests from an employee of such financial institution\] division of an entity that provides appraisal management services only to that entity;](#)  
or

(D) Any local, state or federal agency or department thereof.



## Agency Legislative Proposal - 2022 Session

**Document Name:** DCP2022GamingDivision.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 and Legal Divisions

Agency Analyst/Drafter of Proposal: Leslie O'Brien

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

**Statutory Reference:** CGS Sections 12-569 and 12-814

**Proposal Summary:**

Section 1 clarifies that simple interest calculations shall be applied to delinquency assessments calculated by the Connecticut Lottery Corporation (CLC).

Section 2 updates advertising requirements for CLC to reflect changes in technology and the gaming expansion enacted by Public Act 21-23.

### 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?*

CGS Section 12-569 does not specify whether simple or compound interest should be applied to delinquency assessments for lottery sales agents. Due to lack of specificity, an advisory opinion issued by the former Division of Special Revenue recommended that CLC impose delinquency assessments using compound interest calculations. 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.

Because the advertising provisions in CGS Section 12-814 have not been updated since 1999,



the statute doesn't address social media, email, and other methods of internet advertising, or games authorized by PA 21-23.

◇ **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?*

Section 1 of this proposal was raised in the 2020 and 2021 Legislative Sessions. In 2020 it had a public hearing and but was not JF'd out of the Public Safety Committee before the session ended in March, in 2021, in was JF'd out of the committee and passed the House.

Section 2 is new.

**PROPOSAL IMPACT**

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

**Agency Name:** Connecticut Lottery Corporation  
**Agency Contact (name, title, phone):** Greg Smith  
**Date Contacted:** 10/28/2021

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

**Summary of Affected Agency's Comments**  
CLC

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





<b>State</b> Potential revenue once amount owed by lottery retailers is realistic.
<b>Federal</b> None.
<b>Additional notes on fiscal impact</b> 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**

**Section 1. Section 12-569 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):**

Section 12-569 (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 delinquent 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 amount was subject to**



compounding interest and is still delinquent as of the effective date of this act, 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.

**Section 2. Section 12-814 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

Section 12-814. (a) In each advertisement intended to promote the purchase of lottery tickets issued for games authorized under Public Act 21-23, sections 12-563a and 12-800 to 12-818, inclusive, the corporation shall include a prominent and clear statement of the average chances of winning per specific lottery ticket. A prominent and clear statement in any written digital or print advertising shall mean type font no smaller than ten percent of the largest font included in such advertisement. Notwithstanding the foregoing, for digital advertisements posted in physical retail locations, the font shall be no smaller than ten percent of the largest font displayed that is applicable to the specific game to which the odds apply.

(b) The provisions of subsection (a) of this section shall apply [only] to (1) digital or print advertisements, including but not limited to, [in] social media, email communication, newspapers, magazines, brochures and on posters, [and] (2) [television and radio] video advertisements, and (3) audio-only advertisements, except for those audio-only advertisements for online lottery draw games or online keno and that are less than thirty seconds[or longer for one game].



(c) On or before October 1, 1999, the corporation shall implement a code of standards for all advertisements and other activities intended to promote the purchase of lottery tickets for games authorized pursuant to this chapter. The code of standards shall include the requirement that no advertisement or promotion shall denigrate the character or conduct of nonlottery players or praise the character or conduct of lottery players.



## Agency Legislative Proposal - 2022 Session

**Document Name:** 2022 DCP Drug Control

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_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

Agency Analyst/Drafter of Proposal: Leslie O'Brien

**Title of Proposal:** An Act Concerning the Drug Control Statutes

**Statutory Reference:** 21a-248, 20-617a, 21-192, 20-578, 28-32,

**Proposal Summary:**

Section 1 amends CGA sec. 21a-248 to allow for drug wholesalers to order schedule II controlled substances electronically and repeal the requirement that orders for schedule I or II controlled substances orders must be signed in triplicate. This change is consistent with changes made at the federal level.

Section 2 amends CGA sec. 20-617a to remove the requirement that pharmacists follow United States Pharmacopeia sterile compounding standards when adding flavoring to prescription medications. The statute already requires that pharmacists comply with good manufacturing practice principles and other federal regulations.

Section 3 amends Public Act 21-192 to address a drafting oversight from the last legislative session to include in the definition of "long-term care pharmacy" registered nonresident pharmacies.

Section 4 amends CGA sec. 20-578(a) to include information received by the Department of Consumer Protection or the Department of Public Health through investigations or inspections authorize under chapters 420s and 420f, which are the chapters that regulate medical marijuana and controlled substance prescribers, not be disclosed publicly in such a manner as to identify individuals or institutions, except under certain circumstances.



Section 5 amends CGA sec. 28-32 to include medical devices in the pharmaceutical preparedness definitions for transfer or distribution of drugs or controlled substances during emergency declarations.

**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 requested changes result from federal regulatory changes, a drafting oversight from the previous legislative session and operational challenges with investigations.

**◇ 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?  
N/A

**PROPOSAL IMPACT**

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

**Agency Name:** N/A  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.  
Approve of Proposal     YES     NO     Talks Ongoing  
**Summary of Affected Agency’s Comments**  
Click here to enter text.  
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)*

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> N/A
<b>State</b> Click here to enter text.
<b>Federal</b> Click here to enter text.
<b>Additional notes on fiscal impact</b> Click here to enter text.

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

None of these changes would impact programs under the Department's jurisdiction.
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◇ **EVIDENCE BASE**

<i>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 <a href="#">evidence definitions</a> can help you to establish the evidence-base for your program and their <a href="#">Clearinghouse</a> allows for easy access to information about the evidence base for a variety of programs.</i>
N/A

**[Insert fully drafted bill here](#)**

**Section 1. Section 21a-248 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

**Sec. 21a-248. (Formerly Sec. 19-456). Sale or dispensing of controlled drugs by licensed manufacturer or wholesaler.** Records; orders. Scope of uses limited. (a) A licensed manufacturer or wholesaler may sell and dispense controlled drugs to any of the following-named persons, but in the case of schedule II drugs only on official written order **[or electronically through the Drug Enforcement Agency's Controlled Substance Ordering](#)**



**System:** (1) To a manufacturer, wholesaler or pharmacist; (2) to a physician, dentist or veterinarian; (3) to a person in charge of a hospital, incorporated college or scientific institution, but only for use by or in that hospital, incorporated college or scientific institution for medical or scientific purposes; (4) to a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes; (5) to any registrant as defined in subdivision (47) of section 21a-240.

(b) A licensed manufacturer or wholesaler may sell controlled drugs only to registrants when permitted under federal and state laws and regulations.

(c) An official [written] order for any schedule I or II drug shall be signed [in triplicate] by the person giving such order or by his authorized agent and [the original] shall be presented to the person who sells or dispenses the drug or drugs named therein as provided by federal laws. If such order is accepted by such person, each party to the transaction shall preserve his copy of such order for a period of three years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this chapter.

(d) The manufacturer or wholesaler shall keep records of all sales and dispensing of controlled drugs and shall comply fully with applicable provisions of the federal controlled drug laws and the federal food and drug laws, and the state food, drug and cosmetic laws in such sale or dispensing of controlled drugs.

(e) Possession or control of controlled drugs obtained as authorized by this section shall be lawful only if obtained in the regular course of the business, occupation, profession, employment or duty of the possessor.

(f) A person in charge of a hospital, incorporated college or scientific institution, or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled drugs under the provisions of this section or otherwise, shall not administer, or dispense, or otherwise use such drugs within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes or for the purposes of research or analysis and subject to the provisions of this chapter.

**Section 2. Subsection (a) of section 20-617a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):**

**Sec. 20-617a. Flavoring agent added to prescription product.** (a) For purposes of this section, "flavoring agent" means an additive used in food or drugs when such additive: (1) Is used in accordance with good manufacturing practice principles and in the minimum quantity required to produce its intended effect, (2) consists of one or more ingredients generally recognized as safe in food and drugs, has been previously sanctioned for use in food and drugs by the state or the federal government, [meets United States Pharmacopeia standards] or is an additive permitted for direct addition to food for human consumption pursuant to 21 CFR 172, (3) is inert and produces no effect other than the instillation or modification of flavor, and (4) is not greater than five per cent of the total weight of the product.



(b) A flavoring agent may be added to a prescription product by: (1) A pharmacist upon the request of the prescribing practitioner, patient for whom the prescription is ordered or such patient's agent, or (2) a pharmacist acting on behalf of a hospital, as defined in section 19a-490.

**Section 3. Section 2 of Public Act 21-192 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2022*):**

Sec. 2. (NEW) (Effective from passage) (a) As used in this section, (1) "long-term care pharmacy" (A) means a pharmacy licensed under section 20-594 of the general statutes, or a pharmacy that is registered as a nonresident pharmacy pursuant to section 20-627, that stores and dispenses legend drugs and legend devices to patients or residents of licensed nursing homes, rest homes, residential care homes or other supervised residential facilities and from which related pharmaceutical care services are provided, and (B) includes pharmacies located both inside and outside of such facilities but does not include those that are part of a licensed hospital, (2) "nursing home" has the same meaning as provided in section 19a-490 of the general statutes, and (3) "automated prescription dispensing machine" has the same meaning as provided in section 20-571 of the general statutes, as amended by this act. A longterm care pharmacy may operate an automated prescription dispensing machine in a nursing home in accordance with a protocol approved in writing by the Department of Consumer Protection, until such time as regulations are adopted pursuant to subsection (b) of this section. The annual fee to operate an automated prescription dispensing machine shall be one hundred dollars per machine.

**Section 4. Subsection (a) of section 20-578 of the general statutes are repealed and the following are substituted in lieu thereof (*Effective July 1, 2022*):**

**Sec. 20-578. (Formerly Sec. 21a-306). Information not to be disclosed. Exception.** (a) Information received by the department, the commission or the Department of Public Health, through filed reports or inspection or as otherwise authorized under chapters 418 [and], 420b, 420c, 420f and sections 20-570 to 20-630, inclusive, shall not be disclosed publicly in such a manner as to identify individuals or institutions, except: (1) In a proceeding involving the question of licensure or the right to practice, and (2) in a proceeding where the commission has voted in favor of formal disciplinary action against a pharmacist or pharmacy licensed pursuant to this chapter, when such disciplinary action is related to an error in the dispensing of medication. Nothing in this section shall be construed to prohibit the commissioner from disclosing information gained through the inspection of pharmacies and outlets holding permits for the sale of nonlegend drugs if the commissioner considers such disclosure to be in the interest of public health.

(b) Notwithstanding the provisions of subsection (a) of this section, section 21a-265 and chapter 55, the Commissioners of Consumer Protection and Public Health and the authorized agents of said commissioners, in carrying out their duties under subsection (a) of this section, may: (1) Exchange information relating to a license or registration issued by their respective agencies, or (2) exchange investigative information relating to





violations of this chapter with each other, with the Chief State's Attorney and with agencies charged with the enforcement of pharmacy or drug laws of the United States, this state and all other jurisdictions.

**Section 5. Section 28-32 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):**

**Sec. 28-32. Pharmaceutical preparedness: Definitions. Transfer or distribution of drugs or controlled substances during emergency. (a) For purposes of this section and section 28-32a:**

(1) "Drugs" means (A) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of said publications; (B) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (C) substances, other than food, intended to affect the structure or any function of the body of man or animals; and (D) substances intended for use as a component of any article specified in subparagraph (A), (B) or (C) of this subdivision. "Drugs" does not include devices or their components, parts or accessories;

(2) "Controlled drugs" means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to section 21a-243 as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. "Controlled drugs" does not include alcohol, nicotine or caffeine;

(3) "Controlled substance" means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to section 21a-243. "Controlled substance" does not include alcohol, nicotine or caffeine.

(4) "Medical Device" means instruments, apparatuses and contrivances, including their components, parts and accessories, intended (A) for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or other animals, or (B) to affect the structure or any function of the body of humans or other animals;

(b) Upon declaration of an emergency by the Governor or the Governor's authorized representative having authority to declare emergencies, a hospital pharmacy, pharmacy or registrant authorized by state or federal law to be in possession of controlled substances may, in accordance with applicable federal regulations, policies and guidelines and with prior approval of the Commissioner of Consumer Protection, transfer or distribute drugs~~[or]~~, controlled drugs or medical devices to a licensed pharmacy, a registrant authorized by state or federal law to be in possession of controlled substances, or a location authorized by the commissioner.



Such registrant shall record the transfer accurately and in compliance with all state and federal statutes and regulations and shall report the transfer, in writing, to the commissioner.