Document Name	**DCP_1_Liquor**

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Maureen Magnan
Division Requesting This Proposal	Liquor Control
Drafter(s)	Julianne Avallone, Caitlin Anderson

Title of Proposal	An Act Concerning Recommendations from the Department of Consumer Protection Regarding the Regulation of Liquor
Statutory Reference, if any	30-1, 30-4, 30-19f, 30-22b, 30-35, 30-14a, 30-17, 30-39, 30-47, 30-55, 30-58a, 30-60, 30-48, 30-51, 30-62a, 30-78, 30-86, 30-86a, 30-90 and section 14 of PA 23-50.
Brief Summary and Statement of Purpose	To clarify and update provisions in the Liquor Control Act (LCA).

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Sections 1-5 revise CGS sections 30-1, 30-4, 30-19f, 30-22b, 30-35 to clarify that limited liability companies or legal entities heretofore unmentioned are also included in various sections of the Liquor Control Act.
Section 6 revises CGS 30-14a section to clarify that the placeholding of package store permits to block competitors or preserve the last spot is not allowed.
Section 7 revises CGS 30-17 section to codify the Department's policy that the wholesaler dual notice for wine and spirit products include the name of the new wholesaler, and that the

Department's policy that a wholesaler dual notice for beer include the name of the new wholesaler and state the just and sufficient cause required by statute.

Sections 8 – 12 revise CGS sections 30-39, 30-47, 30-55, 30-58a and 30-60 to clarify that applicants under investigation may be subject to penalties. Section 10 also aligns the hearing notice requirements for the department. All other areas rely on the requirements provided in the Uniform Administrative Procedures Act, however Liquor Control has a different requirement that causes confusion and occasional delay for urgent proceedings.

Section 13 revises CGS section 30-48 to clarify that out-of-state shippers may also hold the out-of-state retailer permit and restaurant permittees may also hold the craft café permit.

Sections 14 revises CGS section 30-51 to expand the Department's discretion to approve permits in locations where complete enclosure of the premise cannot be obtained and create (e.g. food courts, businesses with open-concept floor plans)

Section 15 revises CGS section 30-62a to create a consumer service bar to accommodate the growing number of cafeteria-style venues. Calling it an existing consumer bar restricts minors' access, and we are unable to endorse the permit with existing bar options.

Section 16 revises CGS section 30-78 to allow DCP Liquor Control Agents to embargo equipment, such as illegal gambling equipment, smoking paraphernalia, and fake IDs, in the event such equipment or material is discovered as part of an active investigation or inspection. The primary purpose is to permit the Department to seize fake IDs as evidence of a sale to a minor. The Department will notify the police departments of the illegal products, however the local police may take a long time to arrive based on other priorities at that time.

Section 17 revises CGS section 30-86 to provide government immunity to minors who participate in police and DCP run liquor control investigations. Insulate minors assisting with DCP enforcement actions from lawsuit by government agencies and private litigants.

Section 18 revises CGS section 30-86a to allow permittees to use electronic age statement forms.

Section 19 revises CGS 30-90 to clarify where intoxicated persons are allowed to be in a permitted premise following the repeal of effective separation. Currently, intoxicated persons may remain at a permitted premises, although they are not legally able to be served. Allowing such intoxicated person to remain at the premises increases the likelihood that they will consume additional alcohol and may pose a risk to public health and safety. This change in law will require liquor permittees to remove visibly intoxicated persons from the establishment. The goal is to treat intoxicated persons the same as minors since they are both prohibited from being served in a barroom, which requires clarification following the elimination of effective separation at restaurants.

Section 20 revises section 14 of PA 23-50 to allow shippers, restaurant permittees, and traditional café permittees to donate alcohol to the holder of a temporary noncommercial permit and to clarify policy of allowing any permittee who can donate to also conduct tastings.

Section 21 is a new section to codify existing Department policy about when a landlord or franchisor must be identified as a backer of a liquor permit.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed: NA

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	NA
How will we measure if the proposal successfully accomplishes its goals?	NA
Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	NA
Have certain constituencies	No

called for this proposal?	

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[x] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	

Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 30-1 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

For the purposes of this chapter, unless the context indicates a different meaning:
(1) "Airline" means any (A) 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 from time to time, or (B) foreign flag carrier holding a permit under Section 402 of said act.
(2) "Alcohol" (A) means the product of distillation of any fermented liquid that is rectified at least once and regardless of such liquid's origin, and (B) includes synthetic ethyl alcohol which is considered nonpotable.
(3) "Alcoholic beverage" and "alcoholic liquor" include the four varieties of liquor defined in subdivisions (2), (5), (21) and (22) of this section (alcohol, beer, spirits and wine) and every liquid or solid, patented or unpatented, containing alcohol, beer, spirits or wine and at least one-half of one per cent alcohol by volume, and capable of being consumed by a human being as a beverage. Any liquid or solid containing more than one of the four varieties so defined belongs to the variety which has the highest

percentage of alcohol according to the following order: Alcohol, spirits, wine and beer, except as provided in subdivision (22) of this section.
(4) "Backer" means, except in cases where the permittee is the proprietor, the proprietor of any business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor and in which business a permittee is associated, whether as an agent, employee or part owner.
(5) "Beer" means any beverage obtained by the alcoholic fermentation of a decoction or infusion of barley, hops and malt in drinking water.
(6) "Boat" means any vessel that is (A) operating on any waterway of this state, and (B) engaged in transporting passengers for hire to or from any port of this state.
(7) "Business entity" means any corporation, incorporated or unincorporated association, firm joint stock company, limited liability company, limited liability partnership, partnership, trust or any other legal entity.
[(7)] (8) "Case price" means the price of a container made of cardboard, wood or any other material and containing units of the same class and size of alcoholic liquor. A case of alcoholic liquor, other than beer, cocktails, cordials, prepared mixed drinks and wines, shall be in the quantity and number, or fewer, with the permission of the Commissioner of Consumer Protection, of bottles or units as follows: (A) Six one thousand seven hundred fifty milliliter bottles, (B) six one thousand eight hundred milliliter bottles, (C) twelve seven hundred milliliter bottles, (D) twelve seven hundred twenty milliliter bottles, (E) twelve seven hundred fifty milliliter bottles, (F) twelve nine hundred milliliter bottles, (G) twelve one liter bottles, (H) twenty-four three hundred seventy-five milliliter bottles, (I) forty-eight two hundred milliliter bottles, (J) sixty one hundred milliliter bottles, or (K) one hundred twenty fifty milliliter bottles, except a case of fifty milliliter bottles may be in a quantity and number as originally configured, packaged and sold by the manufacturer or out-of-state shipper prior to shipment if the number of such bottles in such case is not greater than two hundred. The commissioner shall not authorize fewer quantities or numbers of bottles or units 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 provided in 27 CFR 4.21 for wine, 27 CFR 5.22 for spirits and 27 CFR 7.24 for beer.
[8] (9) "Charitable organization" means any nonprofit organization that (A) is organized for charitable purposes, and (B) has received a ruling from the Internal Revenue Service classifying such nonprofit organization as an exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time.
[(9)](10) "Club" has the same meaning as provided in section 30-22aa.
[(10)] (11) "Coliseum" has the same meaning as provided in section 30-33a.
[(11)] (12) "Commission" means the Liquor Control Commission established under this chapter.
[(12)] (13) "Department" means the Department of Consumer Protection.
[(13)] (14) "Dining room" means any room or rooms (A) located in premises operating under (i) a hotel permit issued under section 30-21, (ii) a restaurant permit issued under subsection (a) of section 30-22, (iii) a restaurant permit for wine and beer issued under subsection (b) of section 30-22, or (iv) a cafe permit issued under section 30-22a, and (B) where meals are customarily served to any member of the public who has means of payment and a proper demeanor.
[(14)] (15) "Mead" means fermented honey (A) with or without additions or adjunct ingredients, and (B) regardless of (i) alcohol content, (ii) process, and (iii) whether such honey is carbonated, sparkling or still.
[(15)] (16) "Minor" means any person who is younger than twenty-one years of age.
([16] 17) "Nonprofit club" has the same meaning as provided in section 30-22aa.
([17] 18) "Nonprofit public television corporation" has the same meaning as provided in section 30-37d.
[(18)] (19) (A) "Person" means an individual, including, but not limited to, a partner.
(B) "Person" does not include any business entity[corporation, joint stock company, limited liability company or other association of individuals].

[(19)] (20) (A) "Proprietor" includes all owners of a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor, whether such owners are persons, fiduciaries, [joint stock companies] business entities, stockholders of corporations or otherwise. (B) "Proprietor" does not include any person who, or business entity [corporation] that, is merely a creditor, whether as a bond holder, franchisor, landlord or note holder, of a business or club, incorporated or unincorporated, that is engaged in manufacturing or selling alcoholic liquor.
[(20)] (21) "Restaurant" has the same meaning as provided in section 30-22.
[(21)] (22) "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.
[(22)] (23) "Wine" means any alcoholic beverage obtained by fermenting the natural sugar content of fruits, such as apples, grapes or other agricultural products, containing such sugar, including fortified wines such as port, sherry and champagne.

Section 2. Section 30-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

No commissioner of the Liquor Control Commission and no employee of the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, and the regulations enacted thereunder may, directly or indirectly, individually or [as a member of a partnership] as a member or owner of a business entity or as a shareholder of a corporation, have any interest whatsoever in dealing in or in the manufacture of alcoholic liquor, nor receive any commission or profit whatsoever from nor have any interest whatsoever in the purchases or sales made by the persons authorized by this chapter to purchase or sell alcoholic liquor. No provision of this section shall prevent any such commissioner or employee from purchasing and keeping in his possession, for the personal use of himself or members of his family or guests, any alcoholic liquor which may be purchased or kept by any person by virtue of this chapter.

Section 3. Section 30-19f of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) An in-state transporter's permit for alcoholic liquor shall allow the commercial transportation of any alcoholic liquor and, with the approval of the Department of Consumer Protection, the provision or sale of alcoholic liquor for consumption in a boat engaged in the transportation of passengers for hire or a motor vehicle in livery service, as permitted by law. One permit shall cover all such boats or vehicles that are under common control, direction, management or ownership. When applying for such approval, the owner of any such boat or vehicle in which the sale or consumption of alcoholic liquor will be available shall specifically identify to the department each such boat or vehicle. The annual fee for an in-state transporter's liquor permit shall be one thousand two hundred fifty dollars for the first boat or vehicle and an additional annual fee of two hundred dollars for each additional boat or vehicle.
(b) No [person, corporation, incorporated or unincorporated association, partnership, trust or other legal] individual or business entity except the holder of an out-of-state shipper's permit issued under section 30-18 or 30-19, a manufacturer's permit issued under section 30-16, other than a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead, or a wholesaler's permit issued under section 30-17, shall transport any alcoholic beverages imported into this state unless such person: (1)

Holds an in-state transporter's permit; (2) the tax imposed on such alcoholic liquor under section 12-435 has been paid; and (3) if applicable, the tax imposed on the sale of such alcoholic liquor under chapter 219 has been paid.
(c) An in-state transporter, when delivering or shipping directly to a consumer in this state wine, cider or mead, shall: (1) Ensure that the shipping labels on all containers of such products shipped directly to a consumer in this state conspicuously state the following: "CONTAINS ALCOHOL—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; (2) obtain the signature of a person who is at least twenty-one years of age at the address prior to delivery, after requiring the signer to demonstrate that the signer is at least twenty-one years of age by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h; and (3) not ship to any address in the state where the sale of alcoholic liquor is prohibited by local option pursuant to section 30-9.
(d) An in-state transporter, when delivering packages labeled as containing alcoholic liquor into this state from outside the state for delivery to consumers and retailers in this state, shall keep records of such shipments or deliveries. Such records shall contain: (1) The name of the transporter permit holder making the shipment or delivery, (2) the date of the shipment or delivery, (3) the name and business address of the out-of-state seller of such alcoholic liquor, (4) the name and address of each consumer or in-state retailer, (5) the weight of the package or containers delivered to each consumer or in-state retailer, and (6) a unique tracking number and the date of delivery for such. All records required to be kept pursuant to this section shall be maintained in writing or electronically, at the place of business of the in-state transporter, for not less than eighteen months following the date of delivery of such alcoholic liquor. Upon request of the Department of Consumer Protection or the Department of Revenue Services, the in-state transporter shall provide any such records to the requesting agency not later than five business days after such request. Any records provided to a requesting agency pursuant to this subsection shall be considered public records, as defined in section 1-200, and shall be subject to the provisions of chapter 14. An in-state transporter shall make such records available for inspection and copying by agents of the requesting agency during regular business hours.
(e) Any in-state transporter who fails to keep records, refuses to respond or fails to provide such records to the requesting agency as required by subsection (d) of this section shall be subject to a notification of violation, and permit suspension or revocation.
(f) Any person convicted of violating subsections (a), (b) and (c) of this section shall be fined not more than two thousand dollars for each offense.

Section 4. Section 30-22b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A restaurant permit for a catering establishment shall allow a catering establishment to serve alcoholic liquor at a function, occasion or event on the premises of a catering establishment, provided (1) alcoholic liquor shall be sold only to persons invited to and attending such a function, occasion or event, and (2) alcoholic liquor shall be sold only during the specific hours such function, occasion or event is scheduled on the premises. The permittee shall comply with the regulations of the local department of health. The department may waive the requirements of subdivisions (1) and (2) of this subsection for not more than sixteen functions, occasions or events of a catering establishment annually, provided such establishment makes written application to the department at least ten days prior to the scheduled date of the function, occasion or event for which a waiver is sought. The annual fee for a restaurant permit for a catering establishment shall be one thousand four hundred fifty dollars.
(b) Nothing in this section shall be construed to require that any catering establishment operated under a restaurant permit for a catering establishment be open for business to the public at any time other than when a particular function, occasion or event is scheduled on such premises.

(c) No organization eligible for a club or nonprofit club permit, or other entity established primarily to serve its members shall be eligible for a restaurant permit for a catering establishment.
(d) "Catering establishment" means any premises that (1) has an adequate, suitable and sanitary kitchen, dining room and facilities to provide hot meals, (2) has no sleeping accommodations for the public, (3) is owned or operated by any [person, firm, association, partnership or corporation] individual or business entity that regularly furnishes for hire on such premises, one or more ballrooms, reception rooms, dining rooms, banquet halls or similar places of assemblage for a particular function, occasion or event or that furnishes provisions and services for consumption or use at such function, occasion or event, and (4) employs an adequate number of employees on such premises at the time of any such function, occasion or event.

Section 5. Section 30-35 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

A temporary beer permit shall allow the sale of beer and a temporary liquor permit shall allow the sale of alcoholic liquor at any outing, picnic or social gathering conducted by a bona fide noncommercial organization, which organization shall be the backer of the permittee under such permit. The profits from the sale of such beer or alcoholic liquor shall be retained by the organization conducting such outing, picnic or social gathering and no portion of such profits shall be paid, directly or indirectly, to any individual or [other corporation] business entity.

Section 6. Section 30-14a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

A package store permit may be renewed by the person to whom it was issued or by any person who is a transferee or purchaser of premises operating under a package store permit and who meets the requirements of this chapter concerning eligibility for a liquor permit. Commencing June 8, 1986, the Department of Consumer Protection may issue one package store permit for every twenty-five hundred residents of a town as determined by the most recently completed decennial census. The department may authorize the holder of such permit to remove his or her permit premises to a location in another town provided such removal complies with the provisions of this chapter. The department may (a) refuse to accept incomplete package store permit applications; and (b) impose deadlines by which a package store applicant shall open to the public for continuous operation or such application shall be deemed withdrawn and expired to ensure that placeholding of package store permits does not occur. For purposes of this section, "placeholding" shall mean applying for the last available package store permit in a town, but not opening to the public and operating the package store in a timely manner.

Section 7. Section 30-17 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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 in a manner prescribed by the commissioner. 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 in a manner prescribed by the commissioner. Such written notice shall include the name of the additional wholesalers appointed as distributors. 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 in a manner prescribed by the commissioner. Such written notice shall include the name of the additional wholesalers appointed as distributors and shall provide a detailed description of the just and sufficient cause necessitating such appointment. 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. 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 in this section 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 under this section 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 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 not more than four times per year.

Section 8. Section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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 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 a cafe permit issued under subsection (d) or (h) of section 30-22a. 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: (A) whether a permit shall be issued to an applicant or the applicant's backer, or (B) the suitability of the proposed permit premise.

(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 under section 30-37b, including a nonprofit public television corporation under section 30-37d, a nonprofit golf tournament permit under section 30-37g, a temporary permit under section 30-35 or a special club permit under section 30-25; and

in the amount of one hundred dollars for the filing of an initial application for all other permits. 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 (A) airline permits issued under section 30-28a, (B) charitable organization permits issued under section 30-37b, (C) temporary permits issued under section 30-35, (D) special club permits issued under section 30-25, (E) concession permits issued under section 30-33, (F) military permits issued under section 30-34, (G) cafe permits issued under subsection (h) of section 30-22a, (H) warehouse permits issued under section 30-32, (I) broker's permits issued under section 30-30, (J) out-of-state shipper's permits for alcoholic liquor issued under section 30-18, (K) out-of-state shipper's permits for beer issued under section 30-19, (L) coliseum permits issued under section 30-33a, (M) nonprofit golf tournament permits issued under section 30-37g, (N) nonprofit public television corporation permits issued under section 30-37d, (O) Connecticut craft cafe permits issued under section 30-22d to permittees who held a manufacturer permit for a brew pub or a manufacturer permit for beer issued under subsection (b) of section 30-16 and a brew pub before July 1, 2020, (P) off-site farm winery sales and wine, cider and mead tasting permits issued under section 30-16a, (Q) out-of-state retailer shipper's permits for wine issued under section 30-18a, (R) out-of-state winery shipper's permits for wine issued under section 30-18a, (S) in-state transporter's permits for alcoholic liquor issued under section 30-19f, including, but not limited to, boats operating under such permits, (T) seasonal outdoor open-air permits issued under section 30-22e, (U) festival permits issued under section 30-37t, and (V) renewals of any permit described in subparagraphs (A) to (U), inclusive, of this subdivision, if applicable. 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. The provisions of this subsection shall not apply to festival permits issued under section 30-37t.

(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 is issued within twelve months of the filing date, as defined in subsection (a) of this section, the application may, in the discretion of the department, be deemed withdrawn and shall then be 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 9. Section 30-47 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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 or impose a fine of not greater than one thousand dollars per violation 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 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, provided any action taken is

based upon (A) the nature of the conviction and its relationship to the applicant or permittee's ability to safely or competently perform the duties associated with such permit, (B) information pertaining to the degree of rehabilitation of the applicant or permittee, and (C) the time elapsed since the conviction or release, 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, the applicant's backer, the backer, or permittee has violated any provision of this chapter or any regulation adopted under this chapter. Any backer, applicant, or applicant's backer shall be subject to the same disqualifications as provided in this section [in the case of an applicant for a permit or] the same as a permittee, including those provisions in this chapter and its corresponding regulations that apply to permittees.

(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.

(d) (1) Any individual who has been convicted of any criminal offense may request, at any time, that the commissioner determine whether such individual's criminal conviction disqualifies the individual from obtaining a permit issued or conferred by the department pursuant to this chapter based on (A) the nature of the conviction and its relationship to the individual's ability to safely or competently perform the duties or responsibilities associated with such permit, (B) information pertaining to the degree of rehabilitation of the individual, and (C) the time elapsed since the conviction or release of the individual.

(2) An individual making such request shall include (A) details of the individual's criminal conviction, and (B) any payment required by the commissioner. The commissioner may charge a fee of not more than fifteen dollars for each request made under this subsection. The department may waive such fee.

(3) Not later than thirty days after receiving a request under this subsection, the commissioner shall inform the individual making such request whether, based on the criminal record information submitted, such individual is disqualified from receiving or holding a permit issued pursuant to this chapter.

(4) The commissioner is not bound by a determination made under this section, if, upon further investigation, the commissioner determines that the individual's criminal conviction differs from the information presented in the determination request.

Section 10. Section 30-55 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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, backer, applicant, or proposed backer in accordance with the Uniform Administrative Procedures Act[setting forth, with the particulars required in civil pleadings, the charges upon which such proposed revocation, suspension, condition or fine is predicated. Any appeal from such order of revocation, suspension, condition or fine shall be taken in accordance with the provisions of section 4-183].

(b) The surrender of a permit or provisional permit for cancellation, the withdrawal of an application, 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 11. Section 30-58a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Department of Consumer Protection, in its discretion and subject to such regulations as it may adopt, may accept from any applicant, applicant's backer, permittee or backer an offer in compromise in such an amount as may in the discretion of the department be proper under the circumstances in lieu of the suspension of any permit previously imposed by the department. Any sums of money so collected by the department shall be paid forthwith into the State Treasury for the general purposes of the state.

Section 12. Section 30-60 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

.Any applicant for a permit or for the renewal of a permit for the manufacture or sale of alcoholic liquor whose application is refused or any permittee or applicant whose permit is denied, revoked or suspended by the Department of Consumer Protection or any ten residents who have filed a remonstrance pursuant to the provisions of section 30-39 and who are aggrieved by the granting of a permit by the department may appeal therefrom in accordance with section 4-183. Appeals shall be privileged in respect to the assignment thereof. If said court decides, upon the trial of such appeal, that the appellant is a suitable person to sell alcoholic liquor and that the place named in his application is a suitable place, within the class of permit applied for or revoked, and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department, and the department shall thereupon issue a permit to such appellant to sell such alcoholic liquor at such place for the remainder of the permit year, and the fee to be paid therefor, unless the application is for the renewal of the permit, in which case the full fee shall be paid, shall bear the same proportion to the full permit fee for a year as the unexpired portion of the year from the time when such permit was granted bears to the full year. If the court decides on such trial that the applicant is not a suitable person to sell alcoholic liquor or that the place named in the application is not a suitable place, and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department and the department shall not issue a permit to such applicant or shall rescind the granting of a permit, as the case may be. If said court upholds the decision of the department upon the trial of such appeal, or modifies such decision in whole or in part and renders judgment accordingly, a copy of such judgment shall be forthwith transmitted by the clerk of said court to the department and, if a renewal fee has been paid within the time during which such appeal has been pending, the department shall thereupon certify to the Treasurer a deduction from such fee of a sum which shall bear the same proportion to the full permit fee for a year as the portion of the year from the time when such renewal would have become effective to the time when such judgment was rendered bears to the full year, and the amount of such deduction shall be paid in accordance with the provisions of section 30-5, and the remainder of such fee shall be paid by the state to the applicant.

Section 13. Section 30-48 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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 airline permits issued under section 30-28a, boats operating under in-state transporter's permits issued under section 30-19f, and cafe permits issued under subsections (d) and (h) of section 30- 22a, except that: (1) A backer of a hotel permit issued under section 30-21 or a restaurant permit issued under section 30-22 may be a backer of both such classes; (2) a holder or backer of a restaurant permit issued under section 30-22 or a cafe permit issued under subsection (a) of section 30-22a may be a holder or backer of any other or all of such classes; (3) a holder or backer of a restaurant permit issued under section 30-22 may be a holder or backer of a cafe permit issued under subsection (f) of section 30-22a; (4) a backer of a restaurant permit issued under section 30-22 may be a backer of a coliseum permit issued under section 30-33a when such restaurant is within a coliseum; (5) a backer of a hotel permit issued under section 30-21 may be a backer of a coliseum permit issued under section 30-33a; (6) a backer of a grocery store beer permit issued under subsection (c) of section 30-20 may be (A) a backer of a package store permit issued under subsection (b) of section 30-20 if such was the case on or before May 1, 1996, and (B) a backer of a restaurant permit issued under section 30-22, provided the restaurant permit premises do not abut or share the same space as the grocery store beer permit premises; (7) a backer of a cafe permit issued under subsection (j) of section 30-22a, may be a backer of a nonprofit theater permit issued under section 30-35a; (8) a backer of a nonprofit theater permit issued under section 30-35a may be a holder or backer of a hotel permit issued under section 30-21 or a coliseum permit issued under section 30-33a; (9) a backer of a concession permit issued under section 30-33 may be a backer of a coliseum permit issued under section 30-33a; (10) a holder of an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f; (11) a holder of an out-of-state shipper's permit for alcoholic liquor issued under section 30-18 or an out-of-state winery shipper's permit for wine issued under section 30-18a may be a holder of an in-state transporter's permit issued under section 30-19f; (12) a holder of a manufacturer permit for a farm winery issued under subsection (c) of section 30-16 or a manufacturer permit for wine, cider and mead issued under subsection (d) of section 30-16 may be a holder of an in-state transporter's permit issued under section 30-19f, a farmers' market sales permit issued under subsection (a) of section 30-37o, an off-site farm winery sales and tasting permit issued under section 30-16a or any combination of such permits; (13) a holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 may be a holder of a farmers' market sales permit issued under subsection (a) of section 30-37o; (14) the holder of a manufacturer permit for spirits, beer, a farm winery or wine, cider and mead, issued under subsection (a), (b), (c) or (d), respectively, of section 30-16, may be a holder of a Connecticut craft cafe permit issued under section 30-22d, a restaurant permit or a restaurant permit for wine and beer issued under section 30-22; (15) the holder of a restaurant permit issued under section 30-22, a cafe permit issued under section 30-22a, or an in-state transporter's permit issued under section 30-19f, may be the holder of a seasonal outdoor open-air permit issued under section 30-22e; [and] (16) the holder of a festival permit issued under section 30-37t may be the holder or backer of one or more of such other classes; (17) the holder of an out-of-state shipper permit issued under section 30-18 or an out-of-state winery shipper's permit under section 30-18a may be the holder of an out-of-state retailer shipper's permit for wine under section 30-18a; and (18) the holder of a restaurant permit issued under section 30-22 may be a holder of a Connecticut craft café permit issued under section 30-22d, provided the permit premises are located at two different addresses. Any person may be a permittee of more than one permit. No holder of a manufacturer permit for beer issued under subsection (b) of section 30-16 and no spouse or child of such holder may be a holder or backer of more than three restaurant permits issued under section 30-22 or cafe permits issued under section 30-22a.

(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. 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.

Section 14. Section 30-51 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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 affirmed 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] separate, 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] No new means of access into [from the other portion of such building to the portion used as] the permit premises [is] shall be opened[,] after such permit is issued[,] without the written 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] new means of access from any portion of a building not part of the permit premises [to any other portion of such building that is] into the permit premises, without the written consent of the Department of Consumer Protection endorsed on such permit, such [persons] permittee or backer[s] 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, the 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] separate, and may designate the manner of such [closing] separation, 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.

Section 15. Section 30-62a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Department of Consumer Protection, subject to such regulations as said department [shall] may adopt, may permit more than one consumer bar in any premises for which a permit has been issued under this part for the retail sale of alcoholic liquor to be consumed on the premises. A consumer bar is a counter, with or without seats, at which a patron may purchase and consume or purchase alcoholic liquor. The fee for each additional consumer bar shall be one hundred ninety dollars per annum.

(b) The Department of Consumer Protection, subject to such regulations as said department may adopt, may permit more than one consumer service bar in any premises for which a permit has been issued under this section for the retail sale of alcoholic liquor to be consumed on the premise. A consumer service bar is a counter without seats at which a patron may purchase alcoholic liquor, but for which the primary function of the counter is to facilitate the purchase of food. The alcoholic liquor may be served to the consumer across the bar, but no consumer shall sit or consume alcohol or food at the bar. Minors may stand at a consumer service bar for the purpose of ordering and receiving food. No premise shall have both a self-pour endorsement and a consumer service bar endorsement.

Section 16. Section 30-78 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) All alcoholic liquor which is intended by the owner or keeper thereof to be manufactured or sold in violation of law shall, together with the vessels in which such liquor is contained, be a nuisance and subject to confiscation by the commissioner or the commissioner's authorized agent. The Department of Consumer Protection may dispose of any intoxicating liquor, acquired in connection with the administration of this chapter, by public or private sale in such manner and upon such terms as it deems practical and, in cases where sale is impracticable, by delivering it to any state institution which has use therefor. All proceeds from such sale shall be paid into the State Treasury to the credit of the General Fund.

(b) If, during an inspection or investigation of a permittee, the department has probable cause to believe that such permittee is in possession of, or there exists on the premises, an item listed in subsection (c) of this section, an authorized representative of the department may affix to such item a tag or other appropriate marking, giving written notice prior to, or at the time of the embargo, that such item is, or is suspected of being, in violation of this chapter and has been embargoed. No person shall remove or dispose of such embargoed article by sale or otherwise without the permission of the commissioner or his agent. The permittee may request a hearing in accordance with Chapter 54 of the general statutes within fifteen days of receipt of the embargo order. The department shall conduct such hearing no later than forty-five days from the date of receipt of such request. If the embargo is removed by the commissioner

or by the court, neither the commissioner nor the state shall be held liable for damages because of such embargo if the court finds that there was probable cause for the embargo.

(c) The following items may be embargoed by the department if discovered as part of a department inspection or investigation:

(1) Unauthorized gambling devices, illegitimate lottery tickets, or illegal gambling or bookmaking equipment;

(2) Government issued identification utilized by a person other than the legally authorized individual to enter a liquor permitted premises or to purchase alcoholic beverages, or attempts thereto;

(3) Identification imitating a government issued identification card that is used to enter a liquor permitted premises or to purchase alcoholic beverages, or attempts thereto;

(4) Drugs, as defined in section 20-571 of the general statutes, offered or made available for sale by a person without an active license;

(5) High-THC hemp products and synthetic cannabinoid products, as defined in section 21a-240 of the general statutes; and

(6) Tobacco products sold without a stamp or by a person that is not a licensed dealer, as such terms are defined in section 12-285 of the general statutes.

(d) In addition to the embargo authority granted to the department, the commissioner or the commissioner's authorized agent may confiscate the following items if such items are present in a liquor permitted premises: (1) Government issued identification utilized by a person other than the legally authorized individual to enter a liquor permitted premises or to purchase alcoholic beverages, or attempts thereto; and (2) Identification imitating a government issued identification card that is used to enter a liquor permitted premises or to purchase alcoholic beverages, or attempts thereto. To effectuate the seizure, the commissioner or commissioner's authorized agent shall provide a written inventory of the items seized, along with a narrative description of the basis for the seizure. The department shall provide written notice to local law enforcement in the municipality in which the seizure occurred within two business days of such seizure. The permittee may request a hearing in accordance with Chapter 54 within fifteen days of receipt of the seizure notice. The department shall conduct such hearing no later than forty-five days from the date of receipt of such request. If the seizure order is reversed by the commissioner or by the court, neither the commissioner nor the state shall be held liable for damages because of such seizure if the court finds that there was probable cause for the embargo.

Section 17. Section 30-86 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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; and (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 any penalty set forth 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.

(f) A minor participating in an investigation or enforcement action initiated by, or operated in conjunction with, the department pursuant to this chapter shall be considered a state officer, afforded the legal protections set forth in section 4-165 of the general statutes, and indemnified under section 5-141d of the general statutes for actions taken at the directive of the department related to such participation.

Section 18. Section 30-86a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For the purposes of section 30-86, any permittee shall require any person whose age is in question to fill out and sign a statement in the following form on one occasion when each such person makes a purchase:

...., 20..

I, ..., hereby represent to .... , a permittee of the Connecticut Department of Consumer Protection, that I am over the age of 21 years, having been born on ....,[19]..., at.....This statement is made to induce said permittee to sell or otherwise furnish alcoholic beverages to the undersigned. I understand that title 30 of the general statutes prohibits the sale of alcoholic liquor to any person who is not twenty-one years of age.

I understand that I am subject to a fine of one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense for wilfully misrepresenting my age for the purposes set forth in this statement.

.... (Name)
.... (Address)

Such statement once taken shall be applicable both to the particular sale in connection with which such statement was taken, as well as to all future sales at the same premises, and shall have full force and effect under subsection (b) of this section as to every subsequent sale or purchase. Such statement shall be printed upon appropriate forms to be furnished by the permittees and approved by the Department of Consumer Protection or displayed electronically by the permittees on a device capable of allowing the person whose age is in question to fill out and electronically sign such statement. If such statement is in paper form, it

shall be kept on file on the permit premises, alphabetically indexed, in a suitable file box, and shall be open to inspection by the Department of Consumer Protection or any of its agents or inspectors at any reasonable time. If such statement is an electronic record, such statement shall be stored in an electronic medium immediately accessible from the permit premises, alphabetically indexed, in an electronic format accessible to the Department of Consumer Protection or any of its agents or inspectors at any reasonable time. Any person who makes any false statement on a form signed by him or her as required by this section shall be fined not more than one hundred dollars for the first offense and not more than two hundred fifty dollars for each subsequent offense.

Section 19. Section 30-90 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Any permittee who, either personally or through such permittee's servant or agent, allows any minor, intoxicated person, or any person to whom the sale or gift of alcoholic liquor has been prohibited by law to loiter on the permit premises where alcoholic liquor is kept for sale, or who allows any intoxicated person or minor, other than a person who is at least eighteen years of age and an employee or permit holder under section 30-90a or a minor accompanied by the minor's parent or guardian, to be in any room where alcoholic liquor is served at any bar, shall be subject to the penalties described in section 30-113. For barrooms consisting of only one room and for permit premises without effective separation between a barroom and a dining room, an unaccompanied minor or intoxicated person may remain on the permit premises while waiting for and consuming food prepared on such permit premises. No minor may sit or stand at a consumer bar without being accompanied by a parent, guardian or spouse, and no intoxicated person may sit or stand at a consumer bar.

Section 20. Section 14 of public act 23-50 of the supplement to the 2023 general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A temporary liquor permit for a noncommercial entity shall allow the sale of beer, spirits or wine at any fundraising event, outing, picnic or social gathering conducted by a bona fide noncommercial entity, club or golf country club, as described in subsection (g) of section 30-22a, which noncommercial entity, club or golf country club shall be the backer of the permittee under such permit. No for-profit business entity may be the backer of any such permittee. Each temporary liquor permit for a noncommercial entity shall also allow the retail sale of beer, spirits or wine at an in-person or online auction, provided such auction is held as part of a fundraising event to benefit the tax-exempt activities of the noncommercial entity, club or golf country club. All profits from the auction or sale of such beer, spirits or wine shall be retained by the backer or permittee conducting such fundraising event, outing, picnic, social gathering or auction, and no portion of such profits shall be paid, directly or indirectly, to any individual or other corporation. Such permit shall be issued subject to the approval of the department and shall be effective only for specified dates and times limited by the department. The combined total of fundraising events, outings, picnics, social gatherings or auctions, for which a temporary liquor permit for a noncommercial entity is issued under this section, shall not exceed twelve in any calendar year and the approved dates and times for each such fundraising event, outing, picnic, social gathering or auction shall be displayed on such permit. Each temporary liquor permit for a noncommercial entity issued under this section shall be subject to the hours of sale established in subsection (a) of section 30-91, as amended by this act, and the

combined total of days for which such permit is issued shall not exceed twenty days in any calendar year. The holder of a temporary liquor permit for a noncommercial entity issued under this section shall display such permit, and the days for which such permit has been issued, in a prominent location adjacent to the entrance to the fundraising event, outing, picnic, social gathering or auction. The fee for a temporary liquor permit for a noncommercial entity shall be fifty dollars per day.

(b) The holder of a manufacturer permit issued under section 30-16, as amended by this act, a wholesaler permit issued under section 30-17, [or] an out-of-state shipper's permit for alcoholic liquor under Section 30-18, an out-of-state shipper's permit for wine under section 30-18a, an out-of-state shipper's permit for beer under 30-19, a package store permit issued under subsection (b) of section 30-20, a restaurant permit issued under section 30-22, or a café permit issued under subsection (c) 30-22a may offer tastings for and donate to the holder of a temporary liquor permit for a noncommercial entity issued under this section any beer, spirits or wine such manufacturer permittee manufactures, for which such wholesaler permittee holds distribution rights[,] or which such package store permittee sells at retail.

Section 21. (New) (Effective from passage):

A landlord or franchisor may receive profits from the alcoholic liquor sales of a tenant or franchisee without approval as a backer on the permit provided the landlord or franchisor does not control the operation of the premise, direct the sale of alcoholic liquor, or otherwise engage in activities indicating ownership or proprietorship. In reviewing whether the landlord or franchisor must be approved as a backer, the Department shall consider the percentage of profits the landlord or franchisor receives and evaluate whether the landlord or franchisor may:

(a) supervise, hire, retain, or discharge premise employees;
(b) set menu selections or prices;
(c) establish hours or days of operation;
(d) decide whether or when to utilize a patio;
(e) order or accept liquor deliveries for the premise;
(f) arrange advertising for the premise, including internet and social media advertising;
(g) dictate decorations for the premise;
(h) access banking accounts related to the premise;
(i) accept debt on behalf of the backer; and
(j) enter into agreements with other entities on behalf of the backer.

Document Name	DCP_2_Gaming

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Leslie O'Brien
Division Requesting This Proposal	Gaming
Drafter(s)	Julianne Avallone, Maureen Magnan, Jennifer Magyar

Title of Proposal	An Act Concerning Recommendations from the Department of Consumer Protection Regarding the Regulation of Gaming
Statutory Reference, if any	12-801, 12-806a, 29-18c, 12-815a, 12-574, 12-578, sections 1-4 and 8 of PA 23-54, 12-850, 12-863.
Brief Summary and Statement of Purpose	To update provisions regarding the regulation of the Connecticut Lottery Corporation (CLC), online gaming and sports wagering.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Sections 1 and 2 amend CGS sections 12-801 and 12-806a to require that the lottery system and traditional lottery draw games are vetted, tested and certified by an independent third party.
Section 3 amends CGS section 29-18c and section 8 of PA 23-54 to expand the duties of special police officers to include investigating and or making arrests for offenses arising from the operation of internet games.
Section 4 amends CGS 12-815a to: allow for provisional authorization to individuals to work as gaming licensees while awaiting final licensure; require contractors to be licensed as

affiliates when they are providing services integral to the secure operation of gaming to the Connecticut Lottery Corporation; require vendors supplying the lottery system to report incidents involving the lottery system directly to the Department of Consumer Protection.
Sections 5-9 amend sections 1-4 of public act 23-54, and create two new sections, to permit provisional authorization of key and live game employees in the online gaming statutes to perform activities requiring licensure while awaiting final licensure.
Sections 10-11 amend CGS sections 12-574 and 12-578 to allow for provisional occupational licenses for pari-mutuel employees.
Sections 12-13 amend sections 12-850 and 12-863 to modify the advertising provisions for the Connecticut Lotter Corporation and clarify language regarding collegiate sports wagering.
Sections 14 adds clarifying language regarding collegiate sports wagering on Connecticut intercollegiate teams.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	NA
How will we measure if the proposal successfully accomplishes its goals?	NA
Have there been changes in federal/state laws or regulations that	NA

make this legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	NA
Have certain constituencies called for this proposal?	NA

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

1. Agency Name	**Connecticut Lottery Corporation**
Agency Contact (name, title)	**Greg Smith**
Date Contacted	**10/2/2023**
Status	**[ ] Approved [x] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 12-801 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in section 12-563a and sections 12-800 to 12-818, inclusive, and section 12-853a, the following terms have the following meanings unless the context clearly indicates another meaning:

(1) "Board" or "board of directors" means the board of directors of the corporation;

(2) "Corporation" means the Connecticut Lottery Corporation as created under section 12-802;

(3) "Department" means the Department of Consumer Protection;

(4) "Division" means the former Division of Special Revenue in the Department of Revenue Services;

(5) "Fantasy contest" has the same meaning as provided in section 12-850;

(6) "Lottery" means (A) the Connecticut state lottery conducted prior to the transfer authorized under section 12-808 by the Division of Special Revenue, (B) after such transfer, the Connecticut state lottery conducted by the corporation pursuant to sections 12-563a and 12-800 to 12-818, inclusive, and section 12-853, (C) the state lottery referred to in subsection (a) of section 53-278g, and (D) keno conducted by the corporation pursuant to section 12-806c, or sections 12-851 and 12-853;

(7) "Keno" means a lottery game in which a subset of numbers are drawn from a larger field of numbers by a central computer system using an approved random number generator, wheel system device or other drawing device;

(8) "Lottery and gaming fund" means a fund or funds established by, and under the management and control of, the corporation, into which all lottery, sports wagering and fantasy contest revenues of the corporation are deposited, other than revenues derived from online lottery ticket sales, from which all payments and expenses of the corporation are paid, other than those payments and expenses related to online lottery ticket sales, and from which transfers to the General Fund or the Connecticut Teachers' Retirement Fund Bonds Special Capital Reserve Fund, established in section 10-183vv, are made pursuant to section 12-812, but "lottery and gaming fund" does not include the online lottery ticket sales fund established under section 12-853a;

(9) "Lottery draw game" means a lottery game in which a player selects a combination of numbers or symbols, either manually or by an automated picking system, and winning tickets are determined by appropriately matching the combination of numbers or symbols randomly selected by the Connecticut Lottery Corporation, the Mega-Millions Consortium, or the Multi-State Lottery Association at a designated future drawing or selection event.

(10) "Lottery gaming system" means the complete integrated set of hardware and software elements that communicates, records, reports, captures and accounts for gaming data, including, but not limited to, issuing, canceling and validating wagers, determining winners, and other functions necessary for the technological operation of the lottery.

(11) "Lottery instant game" means a lottery game which includes an instant play feature such as one or more rub-off spots, pull-tabs, play areas, or other instant play features or a combination of instant play features and draw features, and are not issued through the lottery gaming system.

[(9)](12) "Online lottery ticket sales" means the sale of lottery tickets for lottery draw games through the corporation's Internet web site, an online service or a mobile application, pursuant to a license issued to the corporation under section 12-853;

[(10)](13) "Online sports wagering" has the same meaning as provided in section 12-850;

[(11)](14) "Operating revenue" means total revenue received from lottery sales and sports wagering less all cancelled sales and amounts paid as prizes but before payment or provision for payment of any other expenses;

[(12)](15) "Retail sports wagering" has the same meaning as provided in section 12-850; and

[(13)](16) "Skin" has the same meaning as provided in section 12-850.

Sec. 2. Section 12-806a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) As used in this section, "procedure" has the same meaning as "procedure", as defined in subdivision (2) of section 1-120. The Department of Consumer Protection shall, for the purposes of section 12-568a, subsection (c) of section 12-574, sections 12-802a, 12-815a, 12-853, 12-854, 12-863 to 12-865, inclusive, 12-867 and 12-868 and this section, regulate the activities of the Connecticut Lottery Corporation to assure the integrity of the state lottery, retail sports wagering, online sports wagering and fantasy contests. In addition to the requirements of the provisions of chapter 12 and notwithstanding the provisions of section 12-806, the Connecticut Lottery Corporation shall, prior to implementing any procedure designed to assure the integrity of the state lottery, retail sports wagering, online sports wagering and fantasy contests, obtain the written approval of the Commissioner of Consumer Protection in accordance with regulations adopted under section 12- 568a.

(b) (1) The lottery gaming system shall be tested and certified, in a manner and frequency deemed necessary by the department to preserve gaming integrity, by a licensed independent testing laboratory. The department may require that the lottery gaming system be re-certified by a licensed independent testing laboratory and the new certification submitted to the department in the event that the department suspects that the integrity of the lottery gaming system may be vulnerable or compromised.

(2) All lottery draw games and keno offered by the corporation shall be tested and certified, in a manner and frequency deemed necessary by the department to preserve gaming integrity, by a licensed independent testing laboratory prior to being offered. Lottery draw games that are sold in at least twenty states and that have been tested by a nationally recognized gaming testing laboratory licensed in at least twenty states to perform system and game analysis are exempt from this requirement.

(3) The department may develop technical standards against which all independent testing laboratories shall test the lottery draw games and keno for compliance. The department shall maintain the technical standards on the department's website, which shall be reviewed by the department no less than annually to ensure the technical standards preserve the integrity of gaming. The department may modify or update the technical standards based on the following reasons: in response to a legal interpretation; to include additional or amend existing technical standards that the commissioner deems necessary to preserve the integrity of gaming or protect consumers from financial harm; to adjust to changes in technology, relevant standards, or platform design; or for any other reason necessary to preserve that integrity of gaming under the act. The department shall post any updates to the technical standards on the department's website and such technical standard shall be effective thirty days after such posting unless such period is extended by the commissioner. The department shall provide written notice to the Connecticut Lottery Corporation of any updates to the technical standards prior to implementation.

(4) The report issued by the independent testing laboratory shall include: (A) The extent to which the lottery draw game or keno meets the technical standards, (B) Whether the lottery draw game or keno meets the requirements of the act and the Regulations of Connecticut State Agencies; and (C) Any additional information the department needs to certify the lottery draw game or keno. (D) The department shall review the lottery draw game or keno that is being tested for proper functioning and consider the test results and certifications submitted by the independent testing laboratory. (E) After completing evaluations of the lottery draw game or keno, the department may approve the lottery draw game or keno for use in the state. (F) The department may suspend or revoke the approval of the any lottery draw game or keno without notice if the department has good cause to believe the continued operation of the lottery draw game or keno poses a threat to the security and integrity of gaming in the state.

Sec. 3. Section 8 of public act 23-54 of the supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Commissioner of Emergency Services and Public Protection may appoint not more than four persons employed as investigators in the security unit of the Department of Consumer Protection, upon the nomination of the Commissioner of Consumer Protection, to act as special police officers in said unit. Such appointees shall serve at the pleasure of the Commissioner of Emergency Services and Public Protection. During such tenure, they shall have all the powers conferred on state police officers while investigating or making arrests for any offense arising from the operation of any off-track betting system, retail sports wagering, internet games, as defined in section 12-850, as amended by this act, or the conduct of any lottery game. Such special police officers shall be certified under the provisions of sections 7-294a to 7-294e, inclusive.

Section 4. Section 12-815a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Commissioner of Consumer Protection shall issue vendor, affiliate and occupational licenses in accordance with the provisions of this section.

(b) No person or business organization awarded a primary contract by the Connecticut Lottery Corporation to provide facilities, components, goods or services that are necessary for and directly related to the secure operation of the activities of said corporation shall do so unless such person or business organization is issued a vendor license by the Commissioner of Consumer Protection. For the purposes of this subsection, "primary contract" means a contract to provide facilities, components, goods or services to said corporation by a person or business organization (1) that provides any lottery game or any online wagering system related facilities, components, goods or services and that receives or, in the exercise of reasonable business judgment, can be expected to receive more than seventy-five thousand dollars or twenty-five per cent of its gross annual sales from said corporation, or (2) that has access to the facilities of said corporation and provides services in such facilities without supervision by said corporation. Each applicant for a vendor license shall pay a nonrefundable application fee of two hundred fifty dollars.

(c) No person or business organization, other than a shareholder in a publicly traded corporation, may be a contractor or a subcontractor for the provision of facilities, components, goods or services that are necessary for and directly related to the secure operation of the activities of the Connecticut Lottery Corporation, or may exercise control in or over a vendor licensee unless such person or business organization is licensed as an affiliate licensee by the commissioner. Each applicant for an affiliate license shall pay a nonrefundable application fee of two hundred fifty dollars.

(d) (1) Each employee of a vendor or affiliate licensee who has access to the facilities of the Connecticut Lottery Corporation and provides services in such facilities without supervision by said corporation or performs duties directly related to the activities of said corporation shall obtain an occupational license.

(2) Each officer, director, partner, trustee or owner of a business organization licensed as a vendor or affiliate licensee and any shareholder, executive, agent or other person connected with any vendor or affiliate licensee who, in the judgment of the commissioner, will exercise control in or over any such licensee shall obtain an occupational license.

(3) Each employee of the Connecticut Lottery Corporation shall obtain an occupational license.

(e) The commissioner shall issue occupational licenses in the following classes: (1) Class I for persons specified in subdivision (1) of subsection (d) of this section; (2) Class II for persons specified in subdivision (2) of subsection (d) of this section; (3) Class III for persons specified in subdivision (3) of subsection (d) of this section who, in the judgment of the commissioner, will not exercise authority over or direct the management and policies of the Connecticut Lottery Corporation; and (4) Class IV for persons specified in subdivision (3) of subsection (d) of this section who, in the judgment of the

commissioner, will exercise authority over or direct the management and policies of the Connecticut Lottery Corporation. Each applicant for a Class I or III occupational license shall pay a nonrefundable application fee of twenty dollars. Each applicant for a Class II or IV occupational license shall pay a nonrefundable application fee of one hundred dollars. The nonrefundable application fee shall accompany the application for each such occupational license.

(f) In determining whether to grant a vendor, affiliate or occupational license to any such person or business organization, the commissioner may require an applicant to provide information as to such applicant's: (1) Financial standing and credit; (2) moral character; (3) criminal record, if any; (4) previous employment; (5) corporate, partnership or association affiliations; (6) ownership of personal assets; and (7) such other information as the commissioner deems pertinent to the issuance of such license, provided the submission of such other information will assure the integrity of the state lottery. The commissioner shall require each applicant for a vendor, affiliate or occupational license to submit to state and national criminal history records checks and may require each such applicant to submit to an international criminal history records check before such license is issued. The state and national criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a. The commissioner shall issue a vendor, affiliate or occupational license, as the case may be, to each applicant who satisfies the requirements of this subsection and who is deemed qualified by the commissioner. The commissioner may reject for good cause an application for a vendor, affiliate or occupational license.

(g) Each vendor, affiliate or Class I or II occupational license shall be effective for not more than one year from the date of issuance. Each Class III or IV occupational license shall remain in effect throughout the term of employment of any such employee holding such a license. The commissioner may require each employee issued a Class IV occupational license to submit information as to such employee's financial standing and credit annually. Initial application for and renewal of any such license shall be in such form and manner as the commissioner shall prescribe.

(h) Upon petition by the Connecticut Lottery Corporation, a vendor licensee, or an affiliate licensee the department may authorize an applicant for an occupational license to provisionally perform the work permitted under the license applied for, provided that:

(1) The individual applicant has filed a completed occupational license application in the form and manner required by the department; and

(2) The Connecticut Lottery Corporation, vendor licensee, or affiliate licensee attests that the provisional authorization is necessary to continue the efficient operation of the lottery, and that such circumstances are extraordinary and not designed to circumvent general licensing procedures;

(b) The department may issue a provisional authorization in advance of issuance or denial of an occupational employee license for a period not to exceed six months. Provisional authorization shall permit such individual to perform the roles and comply with the requirements set forth in this Chapter and the Regulations of Connecticut State Agencies, as applicable. Provisional authorization does not constitute approval for a final occupational license. During the time that any provisional authorization is in effect, the individual granted such authorization shall be subject to and comply with all applicable laws and regulations. Any provisional authorization issued by the department shall expire immediately upon the earlier of: (1) issuance of written notice from the department that the occupational license has been approved or denied; or (2) six months after issuance of the provisional authorization. An individual whose license application has been denied shall not reapply for a period of one year from the date of the denial. An individual whose provisional authorization expires after six months shall file a new application and the department shall determine whether provisional authorization is appropriate to meet the requirements of subdivision (h)(2) of this section.

(j) When an incident occurs, or is reasonably suspected to have occurred, that causes a disruption in the operation, security, accuracy, integrity, or availability of the lottery gaming system, the vendor licensed to provide the lottery gaming system shall, upon discovery, immediately, but in no event later than twenty-

four hours, provide the department with a written initial incident report. The initial incident report shall include the details of the incident and the vendor's proposed corrections. Within five business days of notifying the department of an incident, the vendor shall provide the department a written incident report that (1) details the incident including the root cause of the incident; (2) outlines the vendor's plan to correct, mitigate the effects of the incident, and prevent incidents of a similar nature from occurring in the future. If the licensee is unable to determine the root cause and correct the issue then the vendor shall continue to update the department every 5 business days with written incident reports until the root cause is determined and the incident is corrected. The department may require the vendor licensee to submit the lottery gaming system to an independent outside lab for recertification.

[(h)](k) (1) The commissioner may suspend or revoke for good cause a vendor, affiliate or occupational license after a hearing held before the commissioner in accordance with chapter 54. The commissioner may order summary suspension of any such license in accordance with subsection (c) of section 4-182.

(2) Any such applicant aggrieved by the action of the commissioner concerning an application for a license, or any person or business organization whose license is suspended or revoked, may appeal pursuant to section 4-183.

(3) The commissioner may impose a civil penalty on any licensee for a violation of any provision of this chapter or any regulation adopted under section 12-568a in an amount not to exceed two thousand five hundred dollars after a hearing held in accordance with chapter 54.

[(i)](l) The commissioner may require that the books and records of any vendor or affiliate licensee be maintained in any manner which the commissioner may deem best, and that any financial or other statements based on such books and records be prepared in accordance with generally accepted accounting principles in such form as the commissioner shall prescribe. The commissioner or a designee may visit, investigate and place expert accountants and such other persons as deemed necessary in the offices or places of business of any such licensee for the purpose of satisfying himself or herself that such licensee is in compliance with the regulations of the department.

[(j)](m) For the purposes of this section, (1) "business organization" means a partnership, incorporated or unincorporated association, firm, corporation, trust or other form of business or legal entity; (2) "control" means the power to exercise authority over or direct the management and policies of a licensee; and (3) "person" means any individual.

[(k)](n) The Commissioner of Consumer Protection may adopt such regulations, in accordance with chapter 54, as are necessary to implement the provisions of this section.

Section 5. Section 1 of public act 23-54 of the 2023 supplement of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(14) "Key employee" means an individual with the following position or an equivalent title associated with a master wagering licensee or a licensed online gaming service provider, online gaming operator or sports wagering retailer: (A) President or chief officer, who is the top ranking individual of the licensee and is responsible for all staff and the overall direction of business operations; (B) financial manager, who is the individual who reports to the president or chief officer who is generally responsible for oversight of the financial operations of the licensee, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation; (C) compliance manager, who is the individual that reports to the president or chief officer and who is generally responsible for ensuring the licensee complies with all laws, regulations and requirements related to the operation of the licensee; (D) chief information officer, who is the individual generally responsible for establishing policies or procedures on, or making management decisions related to, information systems; or (E) chief data security officer, who is the individual generally responsible for establishing policies or procedures on, or making management decisions related to, technical systems. "Key employee" includes an individual (i) who is responsible for establishing the policies or procedures on, or making management decisions related to, wagering

structures or outcomes for a licensee; or (ii) who has an ownership interest[, provided the interest held by such individual and such individual's spouse, parent and child, in the aggregate,]that is five per cent or more of the total ownership or interest rights in the licensee. Tribal membership in and of itself shall not constitute ownership for purposes of this subdivision;

Sec. 6. Subsections (c) and (d) of section 12-859 of the general statutes, as amended by public act 23-54, are repealed and the following is substituted in lieu thereof (Effective from passage):

(c) [(1)] A key employee shall apply for a license on a form and in a manner prescribed by the commissioner. Such form shall require the applicant to: (A) Submit to a fingerprint-based state and national criminal history records check conducted in accordance with section 29-17a, which may include a financial history check if requested by the commissioner, to determine the character and fitness of the applicant for the license, (B) provide information related to other business affiliations, and (C) provide or allow the department to obtain such other information as the department determines is consistent with the requirements of this section in order to determine the fitness of the applicant to hold a license.
[(2) In place of the criminal history records check described in subparagraph (A) of subdivision **(1)** of this subsection, the commissioner may accept from an applicant for an initial key employee license the submission of a third-party local and national criminal background check that includes a multistate and multijurisdictional criminal record locator or other similar commercial nation-wide database with validation, and other such background screening as the commissioner may require. Any such third-party criminal background check shall be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association.]
(d) A key employee license shall be renewed annually. The initial license application fee for a key employee licensee shall be two hundred dollars and the annual renewal fee shall be two hundred dollars. The initial application fee shall be waived for a key employee who holds an active live game employee or occupational gaming employee license issued by the department. The holder of a key employee license shall not be required to obtain a live game employee or occupational employee license.

Section 7. Section 2 of public act 23-54 of the 2023 supplement of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A live game employee, other than an individual who holds a key employee license, who will be directly or substantially involved in the operation of live online casino gaming in a manner impacting the integrity of such gaming, shall obtain a live game employee license prior to commencing such employment.
(b) (1) A live game employee shall apply for a live game employee license on a form and in a manner prescribed by the commissioner. Such form shall require the applicant to: (A) Submit to a fingerprint-based state and national criminal history records check conducted in accordance

with section 29-17a of the general statutes, which may include a financial history check if requested by the commissioner, to determine the character and fitness of the applicant for the license, (B) provide information related to other business affiliations, and (C) provide, or allow the department to obtain, such other information as the department determines is consistent with the requirements of this section in order to determine the fitness of the applicant to hold a license.

[(2) In place of the criminal history records check described in subparagraph (A) of subdivision **(1)** of this subsection, the commissioner may accept from a live game employee applicant the submission of a third-party local and national criminal background check that includes a multistate and multijurisdictional criminal record locator or other similar commercial nation-wide database with validation, and other such background screening as the commissioner may require. Any such third-party criminal background check shall be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association.**]**

Section 8. (New) (Effective from passage):

In place of the criminal history records check described in section 12-859 of the general statutes and Public Act 23-54, the commissioner may accept from a live game employee or key employee applicant the submission of a third-party local and national criminal background check that includes a multistate and multijurisdictional criminal record locator or other similar commercial nation-wide database with validation, and other such background screening as the commissioner may require. Any such third-party criminal background check shall be conducted by a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association.

Section 9. (New) (Effective from passage):

(a) Upon petition by the holder of a master wagering, online gaming operator, online gaming service provider, or retail sports wagering license, the department may authorize an applicant for a key employee license or a live game employee license to provisionally perform the work permitted under the license applied for, provided that:
(1) The applicant has filed a completed key employee or live gaming employee license application in the form and manner required by the department;
(2) The master wagering, online gaming operator, online gaming service provider, or retail sports wagering licensee attests that the provisional authorization is necessary to continue the efficient operation of online gaming or retail sports wagering, and that such circumstances are extraordinary and not designed to circumvent general licensing procedures;
(b) The department may issue a provisional authorization in advance of issuance or denial of a key employee license or a live game employee license for a period not to exceed six months. Provisional authorization shall permit such individual to perform the roles and comply with the requirements set forth in this Chapter and the Regulations of Connecticut State Agencies, as

applicable. Provisional authorization does not constitute approval for a final key employee license or a live game employee license. Any provisional authorization issued by the department shall expire immediately upon the earlier of: (1) issuance of written notice from the department that the key employee license or live game employee license has been approved or denied; or (2) six months after issuance of the provisional authorization. During the time that any provisional authorization is in effect, the individual granted such authorization shall be required to comply with all laws and regulations. An individual whose license application has been denied shall not reapply for a period of one year from the date of the denial. An individual whose provisional authorization expires after six months shall file a new application and the department shall determine whether provisional authorization is appropriate to meet the requirements of subdivision (a)(2) of this section.

Section 10. Section 12-574 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(f) No person may participate in this state in any activity permitted under this chapter as an employee of an association, concessionaire, vendor, totalizator or affiliate licensee unless such person is licensed as an occupational licensee by the commissioner under Sec. 12-578(a)(2).

Whether located in or out of this state, no officer, director, partner, trustee or owner of a business organization which obtains a license in accordance with this section may continue in such capacity unless such officer, director, partner, trustee or owner is licensed as an occupational licensee by the commissioner as an owner under Sec. 12-578(a)(2). An occupational license shall also be obtained by any shareholder, key executive, agent or other person connected with any association, concessionaire, vendor, totalizator or affiliate licensee, who in the judgment of the commissioner will exercise control in or over any such licensee. Such person shall apply for a license not later than thirty days after the commissioner requests him or her, in writing, to do so as a pari-mutuel employee under Sec. 12-578(a)(2). The commissioner shall complete his investigation of an applicant for an occupational license and notify such applicant of his decision to approve or deny the application within one year after its receipt, or, if the commissioner determines good cause exists for extending such period of investigation and gives the applicant a reasonable opportunity for a hearing, by the date prescribed by the commissioner.

(g) **Provisional Authorization Occupational License.**

(1) Upon petition by the holder of an association, vendor, totalizator, or affiliate license, the department may authorize an applicant for an occupational license to provisionally perform the work permitted under the license applied for, provided that:

(A) The individual applicant has filed a completed key employee or live gaming employee license application in the form and manner required by the department; and

(B) The association, vendor, totalizator, or affiliate license attests that the provisional authorization is necessary to continue the efficient operation of pari-mutuel wagering, and that such circumstances are extraordinary and not designed to circumvent general licensing procedures;

(2) The department may issue a provisional authorization in advance of issuance or denial of an occupational license for a period not to exceed six months. Provisional authorization shall permit such individual to perform the roles and comply with the requirements set forth in this Chapter and the Regulations of Connecticut State Agencies, as applicable. Provisional authorization does not constitute approval for a final occupational license. Any provisional authorization issued by the department shall expire immediately upon the earlier of: (A) issuance of written notice from the department that the key employee license or a live game employee license has been approved or denied; or (B) six months after issuance of the provisional authorization. An individual whose license application has been denied shall

not reapply for a period of one year from the date of the denial. An individual whose provisional authorization expires after six months shall file a new application and the department shall determine whether provisional authorization is appropriate to meet the requirements of subdivision (g)(1)(B) of this section.

[(g)](h) **Information required for licensing.** In determining whether to grant a license, the commissioner may require the applicant to submit information as to: Financial standing and credit; moral character; criminal record, if any; previous employment; corporate, partnership or association affiliations; ownership of personal assets; and such other information as it or he or she deems pertinent to the issuance of such license.

[(h)](i) **Licensing and regulation of licensees by commissioner.** The commissioner may reject for good cause an application for a license. Any license granted under the provisions of this chapter is a revocable privilege and no licensee shall be deemed to have acquired any vested rights based on the issuance of such license. The commissioner, the deputy commissioner, the executive assistant, any unit head or any assistant unit head authorized by the commissioner may suspend or revoke for good cause any license issued by the commissioner after a hearing held in accordance with chapter 54. If any affiliate licensee fails to comply with the provisions of this chapter, the commissioner, after a hearing held in accordance with chapter 54, may revoke or suspend the license of any one or more of the following related licensees: Concessionaire, vendor or totalizator, and may fine any one or more of such licensees in an amount not to exceed two thousand five hundred dollars. In addition, if any affiliate licensee fails to comply with the provisions of this chapter, the commissioner, after a hearing held in accordance with chapter 54, may revoke or suspend the license of the related association licensee and may fine the related association licensee in an amount not to exceed seventy-five thousand dollars or both. If any license is suspended or revoked, the commissioner shall state the reasons for such suspension or revocation and cause an entry of such reasons to be made on the record books of the department. Any licensee whose license is suspended or revoked, or any applicant aggrieved by the action of the commissioner concerning an application for a license, may appeal pursuant to section 4-183.

Section 11. Section 12-578 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, governing registration and the issuance and annual renewal of licenses and payment of annual nonrefundable application fees for the same in accordance with the following schedule:

(1) Registration: (A) Stable name, one hundred dollars; (B) partnership name, one hundred dollars; (C) colors, twenty dollars; (D) kennel name, one hundred dollars.

(2) Occupational Licenses: (A) Owner, one hundred dollars; (B) trainer, one hundred dollars; (C) assistant trainer, one hundred dollars; (D) jockey, forty dollars; (E) jockey agent, for each jockey, one hundred dollars; (F) stable employees, including exercise boy, groom, stable foreman, hot walker, outrider, twenty dollars; (G) veterinarian, one hundred dollars; (H) jockey apprentice, forty dollars; (I) driver, one hundred dollars; (J) valet, twenty dollars; (K) blacksmith, twenty dollars; (L) plater, twenty dollars; [(M) concessionaire, for each concession, two hundred fifty dollars; (N) concessionaire affiliate, for each concession of the concessionaire, two hundred fifty dollars; (O)](M) concession employees, twenty dollars; [(P)](N) jai alai players, one hundred dollars; [(Q)](O) officials and supervisors, one hundred dollars; [(R)](P) pari-mutuel employees, forty dollars; [(S)](Q) other personnel engaged in activities regulated under this chapter, twenty dollars;[(T) vendor, for each contract, two hundred fifty dollars; (U) totalizator, for each contract, two hundred fifty dollars; (V) vendor and totalizator affiliates, for each contract of the vendor or totalizator, two hundred fifty dollars; (W)] (R) gaming employee, forty dollars; [(X) nongaming vendor, two hundred fifty dollars; (Y) gaming services, five hundred dollars; and

(Z) gaming affiliate, two hundred fifty dollars. For the purposes of this subdivision, "concessionaire affiliate" means a business organization, other than a shareholder in a publicly traded corporation, that may exercise control in or over a concessionaire; and "concessionaire" means any individual or business organization granted the right to operate an activity at a dog race track or off-track betting facility for the purpose of making a profit that receives or, in the exercise of reasonable business judgment, can be expected to receive more than twenty-five thousand dollars or twenty-five per cent of its gross annual receipts from such activity at such track or facility.]

(3) Business Entity Licenses: (A) concessionaire, for each concession, two hundred fifty dollars; (B) concessionaire affiliate, for each concession of the concessionaire, two hundred fifty dollars; (C) vendor, for each contract, two hundred fifty dollars; (D) totalizator, for each contract, two hundred fifty dollars; (E) vendor and totalizator affiliates, for each contract of the vendor or totalizator, two hundred fifty dollars; (F) nongaming vendor, two hundred fifty dollars; (G) gaming services, five hundred dollars; and (H) gaming affiliate, two hundred fifty dollars. For the purposes of this subdivision, "concessionaire affiliate" means a business organization, other than a shareholder in a publicly traded corporation, that may exercise control in or over a concessionaire; and "concessionaire" means any individual or business organization granted the right to operate an activity at a dog race track or off-track betting facility for the purpose of making a profit that receives or, in the exercise of reasonable business judgment, can be expected to receive more than twenty-five thousand dollars or twenty-five per cent of its gross annual receipts from such activity at such track or facility.

(b) The commissioner shall require each applicant for a license under subdivision (2) of subsection (a) of this section to submit to state and national criminal history records checks before such license is issued. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

Section 12. Section 12-850 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

For the purposes of this section and sections 12-851 to 12-871, inclusive:

(1) "Business entity" means any partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof;

(2) "Commissioner" means the Commissioner of Consumer Protection or the commissioner's designee;

(3) "Connecticut intercollegiate team" means any team associated with an intercollegiate program of a university or college of the state system of public higher education, as described in section 10a-1, an independent institution of higher education, as defined in section 10a-173, or a for-profit college or university physically located in the state that offers in-person classes within the state;

(4) "Department" means the Department of Consumer Protection;

(5) "Electronic wagering platform" means the combination of hardware, software and data networks used to manage, administer, offer or control Internet games or retail sports wagering at a facility in this state;

(6) "E-bingo machine" means an electronic device categorized as a class II machine under the federal Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 2701 et seq. used to play bingo that is confined to a game cabinet and is substantially similar in appearance and play to a class III slot machine. "E-bingo machine" does not include any other electronic device, aid, instrument, tool or other technological aid used in the play of any in-person class II bingo game;

(7) "Entry fee" means the amount of cash or cash equivalent that is required to be paid by an individual to a master wagering licensee in order for such individual to participate in a fantasy contest;

(8) "E-sports" means electronic sports and competitive video games played as a game of skill;

(9) "Fantasy contest" means any fantasy or simulated game or contest with an entry fee, conducted over the Internet, including through an Internet web site or a mobile device, in which: (A) The value of all prizes and awards offered to a winning fantasy contest player is established and made known to the players in advance of the game or contest; (B) all winning outcomes reflect the knowledge and skill of the players and are determined predominantly by accumulated statistical results of the performance of participants in events; and (C) no winning outcome is based on the score, point spread or any performance of any single team or combination of teams or solely on any single performance of a contestant or player in any single event. "Fantasy contest" does not include lottery games;

(10) "Gaming entity licensee" means a master wagering licensee, a licensed online gaming operator, a licensed online gaming service provider, or a licensed sports wagering retailer.

(1[0]1) "Internet games" means (A) online casino gaming; (B) online sports wagering; (C) fantasy contests; (D) keno through the Internet, an online service or a mobile application; and (E) the sale of tickets for lottery draw games through the Internet, an online service or a mobile application;

(1[1]2) "Keno" has the same meaning as provided in section 12-801;

(1[2]3) "Key employee" means an individual with the following position or an equivalent title associated with a master wagering licensee or a licensed online gaming service provider, online gaming operator or sports wagering retailer: (A) President or chief officer, who is the top ranking individual of the licensee and is responsible for all staff and the overall direction of business operations; (B) financial manager, who is the individual who reports to the president or chief officer who is generally responsible for oversight of the financial operations of the licensee, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation; or (C) compliance manager, who is the individual that reports to the president or chief officer and who is generally responsible for ensuring the licensee complies with all laws, regulations and requirements related to the operation of the licensee. "Key employee" includes an individual (i) who exercises control over technical systems; (ii) who has an ownership interest, provided the interest held by such individual and such individual's spouse, parent and child, in the aggregate, is five per cent or more of the total ownership or interest rights in the licensee; or (iii) who, in the judgment of the commissioner, exercises sufficient control in, or over, a licensee as to require licensure. Tribal membership in and of itself shall not constitute ownership for purposes of this subdivision;

(1[3]4) "Lottery draw game" means any game in which one or more numbers, letters or symbols are randomly drawn at predetermined times, but not more frequently than once every four minutes, from a range of numbers, letters or symbols, and prizes are paid to players possessing winning plays, as set forth in each game's official game rules. "Lottery draw game" does not include keno, any game for which lottery draw tickets are not available through a lottery sales agent or any game that simulates online casino gaming;

(15) "Lottery sales agent" has the same meaning as in Chapter 226 section 12-568a of the Connecticut General Statutes and the regulations of Connecticut State Agencies promulgated thereunder in section 12-568a-1.

(1[4]6) "Mashantucket Pequot memorandum of understanding" means the memorandum of understanding entered into by and between the state and the Mashantucket Pequot Tribe on January 13, 1993, as amended from time to time;

(1[5]7) "Mashantucket Pequot procedures" means the Final Mashantucket Pequot Gaming Procedures prescribed by the Secretary of the United States Department of the Interior pursuant to 25 USC 2710(d)(7)(B)(vii) and published in 56 Federal Register 24996 (May 31, 1991), as amended from time to time;

(1[6]8) "Master wagering licensee" means (A) the Mashantucket Pequot Tribe, or an instrumentality of or an affiliate wholly-owned by said tribe, if licensed to operate

online sports wagering, online casino gaming and fantasy contests pursuant to section 12-852; (B) the Mohegan Tribe of Indians of Connecticut, or an instrumentality of or an affiliate wholly-owned by said tribe, if licensed to operate online sports wagering, online casino gaming and fantasy contests pursuant to section 12-852; or (C) the Connecticut Lottery Corporation, if licensed pursuant to section 12-853 to operate retail sports wagering, online sports wagering, fantasy contests and keno and to sell tickets for lottery draw games through the Internet, an online service or a mobile application;

(1[7]9) "Mohegan compact" means the Tribal-State Compact entered into by and between the state and the Mohegan Tribe of Indians of Connecticut on May 17, 1994, as amended from time to time;

([18]20) "Mohegan memorandum of understanding" means the memorandum of understanding entered into by and between the state and the Mohegan Tribe of Indians of Connecticut on May 17, 1994, as amended from time to time;

([19]21) "Occupational employee" means an employee of a master wagering licensee or a licensed online gaming operator, online gaming service provider or sports wagering retailer;

([20]22) "Off-track betting system licensee" means the person or business organization licensed to operate the off-track betting system pursuant to chapter 226;

([21]23) "Online casino gaming" means (A) slots, blackjack, craps, roulette, baccarat, poker and video poker, bingo, live dealer and other peer-to-peer games and any variations of such games, and (B) any games authorized by the department, conducted over the Internet, including through an Internet web site or a mobile device, through an electronic wagering platform that does not require a bettor to be physically present at a facility;

([22]24) "Online gaming operator" means a person or business entity that operates an electronic wagering platform and contracts directly with a master wagering licensee to offer (A) one or more Internet games on behalf of such licensee, or (B) retail sports wagering on behalf of such licensee at a facility in this state;

([23]25) "Online gaming service provider" means a person or business entity, other than an online gaming operator, that provides goods or services to, or otherwise transacts business related to Internet games or retail sports wagering with, a master wagering licensee or a licensed online gaming operator, online gaming service provider or sports wagering retailer;

([24]26) "Online sports wagering" means sports wagering conducted over the Internet, including through an Internet web site or a mobile device, through an electronic wagering platform that does not require a sports bettor to be physically present at a facility that conducts retail sports wagering;

([25]27) "Retail sports wagering" means in-person sports wagering requiring a sports bettor to be physically present at one of the up to fifteen facility locations of the Connecticut Lottery Corporation or a licensed sports wagering retailer in this state;

([26]29) "Skin" means the branded or cobranded name and logo on the interface of an Internet web site or a mobile application that bettors use to access an electronic wagering platform for Internet games;

([27]30) "Sporting event" means any (A) sporting or athletic event at which two or more persons participate, individually or on a team, and receive compensation in excess of actual expenses for such participation in such sporting or athletic event; (B) sporting or athletic event sponsored by an intercollegiate athletic program of an institution of higher education or an association of such programs[, except for those in which one of the participants is a Connecticut intercollegiate team and the event is not in connection with a permitted intercollegiate tournament]; (C) Olympic or international sports competition event; or (D) e-sports event[, except for those in which one of the participants is a Connecticut intercollegiate team and the event is not in connection with a permitted intercollegiate tournament. As used in this subdivision, "permitted intercollegiate tournament" means an intercollegiate e-sports, sporting or athletic event involving four or more intercollegiate teams that involves one or more Connecticut intercollegiate teams and the wager on the tournament is based on the outcome of all games within the tournament]. "Sporting event" does not include horse racing, jai alai or greyhound racing;

([28]31) "Sports governing body" means the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and participants in the sporting event;

([29]32) "Sports wagering" means risking or accepting any money, credit, deposit or other thing of value for gain contingent in whole or in part, (A) by any system or method of wagering, including, but not limited to, in person or through an electronic wagering platform, and (B) based on (i) a live sporting event or a portion or portions of a live sporting event, including future or propositional events during such an event, or (ii) the individual performance statistics of an athlete or athletes in a sporting event or a combination of sporting events. "Sports wagering" does not include the payment of an entry fee to play a fantasy contest or a fee to participate in e-sports; and

([30]33) "Sports wagering retailer" means a person or business entity that contracts with the Connecticut Lottery Corporation to facilitate retail sports wagering operated

by said corporation through an electronic wagering platform at up to fifteen facilities in this state.

Section 13. Section 12-863 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a)(1) An individual may only place a sports wager through retail sports wagering or online sports wagering outside of the reservations of the Mashantucket Pequot Tribe and the Mohegan Tribe of Indians of Connecticut or place a wager through online casino gaming conducted outside of such reservations, if the wagering is authorized pursuant to sections 12-852 to 12-854, inclusive, and the individual (A) has attained the age of twenty-one, and (B) is physically present in the state when placing the wager, and, in the case of retail sports wagering, is physically present at a retail sports wagering facility in this state.

(2) An individual may only participate in a fantasy contest outside of the reservations of the Mashantucket Pequot Tribe and the Mohegan Tribe of Indians of Connecticut if the contest is authorized pursuant to section 12-852 or 12-853, and the individual has attained the age of eighteen.

(b) Any electronic wagering platform used to (1) conduct online sports wagering or online casino gaming, (2) conduct keno through the Internet web site, an online service or a mobile application of the Connecticut Lottery Corporation, (3) conduct retail sports wagering, (4) sell lottery draw game tickets through the Internet web site, online service or mobile application of the Connecticut Lottery Corporation, or (5) conduct fantasy contests, shall be developed to:

(A) Verify that an individual (i) with an account for online sports wagering, online casino gaming or retail sports wagering is twenty-one years of age or older and is physically present in the state when placing a wager or, in the case of retail sports wagering, is physically present at a retail sports wagering facility, (ii) with an account to participate in keno or to purchase lottery draw game tickets is eighteen years of age or older and is physically present in the state when participating or purchasing such tickets, or (iii) with an account for fantasy contests is eighteen years of age or older;

(B) Provide a mechanism to prevent the unauthorized use of a wagering account; and

(C) Maintain the security of wagering, participation or purchasing data and other confidential information.

(c) A master wagering licensee and a licensed online gaming operator, online gaming service provider and sports wagering retailer shall each, where applicable based on the services provided:

(1) Prohibit an individual from establishing more than one account on each electronic wagering platform operated by the licensee;

(2) Limit a person to the use of only one debit card or only one credit card for an account, and place a monetary limit on the use of a credit card over a period of time, provided single-use stored value instruments purchased by cash or debit card only, including, but not limited to, a gift card or a lottery terminal printed value voucher, may be used pursuant to subdivision (3) of subsection (d) of section 12-853;

(3) Allow a person to limit the amount of money that may be deposited into an account, and spent per day through an account;

(4) Provide that any money in an online account belongs solely to the owner of the account and may be withdrawn by the owner;

(5) Establish a voluntary self-exclusion process to allow a person to (A) exclude himself or herself from establishing an account, (B) exclude himself or herself from placing wagers through an account, or (C) limit the amount such person may spend using such an account;

(6) Provide responsible gambling and problem gambling information to participants; and

(7) Conspicuously display on each applicable Internet web site or mobile application:

(A) A link to a description of the provisions of this subsection;

(B) A link to responsible gambling information;

(C) A toll-free telephone number an individual may use to obtain information about problem gambling;

(D) A link to information about the voluntary self-exclusion process described in subdivision (5) of this subsection;

(E) A clear display or periodic pop-up message of the amount of time an individual has spent on the operator's Internet web site or mobile application;

(F) A means to initiate a break in play to discourage excessive play; and

(G) A clear display of the amount of money available to the individual in his or her account.

(d) At least every five years, each master wagering licensee shall be subject to an independent review of operations conducted pursuant to such license for responsible play, as assessed by industry standards and performed by a third party approved by the department, which review shall be paid for by the licensee.

(e) No advertisement of online casino gaming, online sports wagering or retail sports wagering may: (1) Depict an individual under twenty-one years of age, unless such individual is a

professional athlete or a collegiate athlete who, if permitted by applicable law, is able to profit from the use of his or her name and likeness; or (2) be aimed exclusively or primarily at individuals under twenty-one years of age.

(f) All advertising, marketing and other promotional materials published, aired, displayed, or disseminated by or on behalf of any gaming entity licensee shall:

(1) Not directly advertise or promote gaming, parimutuel wagering or casino gaming on or off of the reservations to individuals that are (A) excluded persons, or (B) under twenty-one years of age, or, if pertaining exclusively to keno, online lottery and fantasy contests, individuals under eighteen years of age;

(2) State that patrons shall be eighteen or twenty-one years of age or older, as applicable, to participate;

(3) Not contain images, symbols, celebrity or entertainer endorsements, or language designed to appeal specifically to those under twenty-one years of age, or if pertaining exclusively to keno, online lottery and fantasy contests, individuals under eighteen years of age;

(4) Not contain inaccurate or misleading information that would reasonably be expected to confuse and mislead patrons in order to induce them to engage in gaming;

(5) Not feature anyone who is, or appears to be, under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery and fantasy contests, anyone who is, or appears to be, under eighteen years of age;

(6) Not be published, aired, displayed, or disseminated in media outlets, including social media, that appeal primarily to individuals under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery, and fantasy contests, individuals under eighteen years of age;

(7) Not be placed before any audience where the majority of the viewers or participants is presumed to be under twenty-one years of age, or, if pertaining exclusively to online keno, online lottery and fantasy contests, under eighteen years of age;

(8) Not imply greater chances of winning versus other licensees;

(9) Not imply greater chances of winning based on wagering in greater quantity or amount, except for online keno and online lottery that include game features approved by the department that increase the chances of winning;

(10) Not contain claims or representations that gaming will guarantee an individual's social, financial, or personal success;

(11) Not use any type, size, location, lighting, illustration, graphic, depiction or color resulting in the obscuring of any material fact; and

(12) If a direct advertising, marketing, or promotion, include a clear and conspicuous link that allows patrons to unsubscribe by clicking on one link.

(g) No master wagering licensee, online gaming operator, or sports wagering retailer may enter into an agreement with a third party to conduct advertising or marketing on behalf of, or to the benefit of, such licensee when compensation is dependent on, or related to, the volume of individuals who become patrons, volume or amount of wagers placed, or the outcome of wagers. The Connecticut Lottery Corporation may provide licensed lottery sales agents a referral fee when Connecticut Lottery Corporation marketing materials that are posted at the lottery retailer's

location are used by an individual who then opens a sports wagering account. A master wagering licensee or an online gaming operator may compensate a third party for advertising services based on the click through of an individual to the online gaming operator's website provided such compensation is not based on an individual creating an account or placing a wager.

[(f)**]** (h) The name and any personally identifying information of a person who is participating or who has participated in the voluntary self-exclusion process established pursuant to subdivision (5) of subsection (c) of this section or established by the Department of Consumer Protection in regulations adopted pursuant to subdivision (4) of section 12-865 shall not be deemed public records, as defined in section 1-200, and shall not be available to the public under the provisions of the Freedom of Information Act, as defined in section 1-200, except:

(1) The Department of Consumer Protection or Connecticut Lottery Corporation may disclose the name and personally identifying information of such person to a master wagering licensee, licensed online gaming operator, licensed online gaming service provider or licensed sports wagering retailer as necessary to achieve the purposes of the voluntary self-exclusion process established pursuant to subdivision (5) of subsection (c) of this section or established by the Department of Consumer Protection in regulations adopted pursuant to subdivision (4) of section 12-865; and

(2) The Connecticut Lottery Corporation may disclose the name and any relevant records of such person, other than records regarding such person's participation in the voluntary self-exclusion process, if such person claims a winning lottery ticket or if such person claims or is paid a winning wager from online sports wagering or retail sports wagering or is paid a prize from a fantasy contest.

Section 14 (New) (Effective upon passage):

(a) No person licensed to operate sports wagering in the state may accept a wager placed on a sporting event, in which a Connecticut intercollegiate team or a player on a Connecticut intercollegiate team is participating. Notwithstanding the foregoing, a person licensed to operate sports wagering may accept a wager on a sporting event in which a Connecticut intercollegiate team, or a player on a Connecticut intercollegiate team, is participating when:

(1) the sporting event is a tournament involving four or more teams;

(2) the wager is based on the outcome of all games in the tournament; and

(3) wagers placed are only accepted prior to the start of the tournament, and after the field of playing teams has been set.

(b) During a tournament, wagers may be placed on an individual game in which a non-Connecticut intercollegiate team is playing provided that the non-Connecticut intercollegiate team is not playing against a Connecticut intercollegiate team.

(c) Once all Connecticut intercollegiate teams have been eliminated from a tournament there will be no further limitation on the acceptance of any wagers concerning the tournament.

Document Name	DCP_3_Drug Control

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Leslie O'Brien
Division Requesting This Proposal	Drug Control
Drafter(s)	Julianne Avallone, Rodrick Marriott

Title of Proposal	An Act Concerning Recommendations from the Department of Consumer Protection Regarding Drug Control
Statutory Reference, if any	PA 23-171
Brief Summary and Statement of Purpose	To make minor, technical and clarifying changes to the Drug Control Statutes.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Sections 1-4 make minor, technical and clarifying changes to sections 3-6 of PA 23-171.
Section 5 amends section 18 of Public Act 23-31 to remove "pharmacist" from DPH statutes since the same language was also adopted in the pharmacy statutes in section 4 of PA 23-52.
Section 6 amends CGS section 21a-65 to allow advance practice nurse practitioners, physician assistants and optometrists to engage in the prescription of hypodermic needles or syringes.
Section 7 amends 21a-322 to allow drug control agents to review medical evaluations as part of an investigation into prescribing practices of controlled substance practitioners.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	NA
How will we measure if the proposal successfully accomplishes its goals?	NA
Have there been changes in federal/state laws or regulations that make this legislation necessary?	NA
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	NA
Have certain constituencies	NA

called for this proposal?	

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[ ] Check here if this proposal does NOT impact other agencies

1. Agency Name	DPH (section 5)
Agency Contact (name, title)	Adam Skowera
Date Contacted	8/17/23
Status	**[x] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	

Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 3 of Public Act 23-171 is repealed and the following is substituted in lieu thereof (Effective from passage):

(1) "Commissioner" means the Commissioner of Consumer Protection or his or her authorized representative;

(2) "Contact" means any communication transmitted in person or by telephone, electronic mail, text message or other electronic means between a pharmaceutical representative and a prescribing practitioner or pharmacist, to promote or provide information relating to a legend drug;

(3) "Department" means the Department of Consumer Protection;

(4) "Legend drug" has the same meaning as provided in section 20-571 of the general statutes;

(5) "Pharmaceutical manufacturer" means a (A) person, whether within or without the boundaries of the state of Connecticut, that (i) produces, prepares, cultivates, grow propagates, compounds, converts or processes a drug, [device or cosmetic,] directly or indirectly, by extraction from substances of natural

origin, by means of chemical synthesis or by a combination of extraction and chemical synthesis, (ii)[or that] packages, repackages, labels or relabels a drug container under such manufacturer's own trademark or label or any other trademark or label[, or a drug, device or cosmetic] for the purpose of selling the drug[, device or cosmetic], or (B) sterile compounding pharmacy, as defined in section 20-633b of the general statutes that dispenses sterile pharmaceuticals without a prescription or a patient-specific medical order intended for use in humans;

(6) "Pharmaceutical manufacturer" includes a virtual manufacturer, as defined in section 20-571 of the general statutes;

(7) "Pharmaceutical marketing firm" means a pharmaceutical manufacturer that employs or compensates pharmaceutical representatives;

(8) "Pharmaceutical representative" means any person, including, but not limited to, a sales representative, who markets, promotes or provides information regarding a legend drug for human use to a prescribing practitioner and is employed or compensated by a pharmaceutical manufacturer;

(9) "Pharmacist" has the same meaning as provided in section 20-571 of the general statutes; and

(10) "Prescribing practitioner" has the same meaning as provided in section 20-571 of the general statutes.

Section 2. Section 4 of Public Act 23-171 is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) On and after October 1, 2023, a pharmaceutical manufacturer that employs [an individual to perform the duties of] a pharmaceutical [sales] representative shall register annually with the department as a pharmaceutical marketing firm, in a form and manner prescribed by the commissioner. No pharmaceutical manufacturer shall authorize an individual to perform [such] pharmaceutical representative duties on such manufacturer's behalf unless such manufacturer has obtained a pharmaceutical marketing firm registration from the department pursuant to this section.
Registrations issued pursuant to this section shall expire annually on June thirtieth.

(b) The nonrefundable fee for registration as a pharmaceutical marketing firm and for annual renewal of such registration shall be one hundred fifty dollars. Any pharmaceutical marketing firm that fails to renew its registration on or before June thirtieth shall pay a late fee of one hundred dollars for each year that such firm did not renew, in addition to the annual renewal fee required under this section.

(c) On the date of its initial registration, and annually thereafter, each pharmaceutical marketing firm shall provide to the department a list of all pharmaceutical representatives[individuals] employed or compensated by such firm [as a pharmaceutical sales representative]. Each pharmaceutical marketing firm shall notify the department, in a form and manner prescribed by the commissioner, of each individual who is no longer employed or compensated as a pharmaceutical [sales] representative or who was hired or compensated after the date on which such firm provided such annual list, not later than two weeks after such individual leaves employment [or] was hired, or otherwise compensated.

(d) The department shall prominently post on its Internet web site the most recent list provided by each pharmaceutical marketing firm pursuant to subsection (c) of this section.

(e) Any person who is not identified to the department pursuant to subsection (c) of this section shall not perform the duties of a pharmaceutical [sales] representative on behalf of the pharmaceutical marketing firm[for any prescribing practitioner in this state].

(f) Not later than July 1, 2024, and annually thereafter, each pharmaceutical marketing firm shall provide the commissioner with the following information regarding the performance for the previous calendar year of each of its pharmaceutical [sales] representatives identified to the department pursuant to subsection (c) of this section at any time during the previous calendar year, in a form and manner prescribed by the commissioner:

(1) The aggregate number of contacts such pharmaceutical [sales] representatives had with prescribing practitioners and pharmacists;

(2) The specialty of each prescribing practitioner and pharmacist with whom such pharmaceutical [sales] representative made contact;

(3) Whether product samples, materials or gifts of any value were provided to a prescribing practitioner or such practitioner's staff in a prescribing practitioner's office or to a pharmacist; and

(4) An aggregate report of all free samples, by drug name and strength, in a form and manner prescribed by the commissioner.

(g) The department shall annually [analyze the information submitted pursuant to this section and] compile a report on the activities of pharmaceutical marketing firms [sales representatives] in the state. Not later than December 31, 2024, and annually thereafter, the department shall post such report on its Internet web site and submit such report to the Secretary of the Office of Policy and Management.

Section 3. Section 5 of Public Act 23-171 is repealed and the following is substituted in lieu thereof (Effective from passage):

Each pharmaceutical marketing firm with pharmaceutical representatives engaged in legend drug marketing in this state shall ensure that such pharmaceutical representatives disclose, in writing, to a prescribing practitioner or pharmacist, at the time of each contact by a pharmaceutical representative with such prescribing practitioner or pharmacist, the following information:

(1) The list price of a legend drug when such pharmaceutical representative provides information concerning such legend drug to the prescribing practitioner or pharmacist based on the dose and quantity of such legend drug as described in the medication package insert; and

(2) Information on the variation efficacy of the legend drug marketed to different racial and ethnic groups, if such information is available.

Section 4. Section 6 of Public Act 23-171 is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The commissioner may (1) refuse to authorize the issuance or renewal of a registration to operate as a pharmaceutical marketing firm, (2) revoke, suspend or place conditions on a registration to operate as a pharmaceutical marketing firm, and (3) assess a penalty of up to one thousand dollars for each violation of any provision of section 4 or 5 of this act, or take other action permitted by [subdivision (7) of subsection (a) of]section 21a-11[7] of the general statutes, if the

applicant or holder of the registration fails to comply with the requirements set forth in section 4 or 5 of this act.

(b) The commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to implement the provisions of this section.

Section 5. Section 18 of public act 23-31 is repealed and the following is substituted in lieu thereof (Effective from passage):

If a [pharmacist or] health care professional who is currently licensed or was previously licensed in another state or jurisdiction is subject to automatic reciprocal discipline for a disciplinary action in such state or jurisdiction, such automatic reciprocal discipline shall be automatically rescinded and shall not be entered into the licensing record of the [pharmacist or] health care professional if the discipline was based solely on the termination of pregnancy under conditions that would not violate the general statutes or the regulations of Connecticut state agencies. The provisions of this section shall not preclude or affect the ability of an agency or board of the state to seek or impose any discipline pursuant to the general statutes against a [pharmacist or other] health care professional licensed by the state.

Section 6. Section 21a-65 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A licensed manufacturer or licensed wholesaler may sell hypodermic needles and syringes only to the following:
(1) To a licensed manufacturer, licensed wholesaler or licensed pharmacy; (2) to a physician, dentist, veterinarian, advanced practice registered nurse, physician assistant, optometrist, embalmer, podiatrist or scientific investigator licensed to practice in this state;
(3) to a person in charge of a care-giving institution, as defined in subdivision (3) of section 20-571, as amended by this act, incorporated college or scientific institution, but only for use by or in such care-giving institution, college or institution for medical or scientific purposes;
(4) to a person in charge of a licensed or registered laboratory, but only for use in that laboratory for scientific and medical purposes;
(5) to a farmer but only for use on the farmer's own animals or poultry;
(6) to a business authorized in accordance with the regulations adopted under section 21a-66 to purchase hypodermic needles and syringes but only for legitimate industrial or medical use within that business; and
(7) to a syringe services program established pursuant to section 19a-124.

Section 7. Section 21a-322 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):
(a) The commissioner may suspend, revoke or refuse to renew a registration, place a registration on probation, place conditions on a registration and assess a civil penalty of not more than one thousand dollars per violation of this chapter, for sufficient cause. Any of the following shall be sufficient cause for such action by the commissioner: (1) The furnishing of false or fraudulent information in any application filed under this chapter; (2) conviction of a crime under any state or federal law relating to the registrant's profession, controlled substances or drugs or fraudulent practices, including, but not limited to, fraudulent billing practices; (3) failure to maintain effective controls against diversion of controlled substances into

other than duly authorized legitimate medical, scientific, or commercial channels; (4) the suspension, revocation, expiration or surrender of the practitioner's federal controlled substance registration; (5) prescribing, distributing, administering or dispensing a controlled substance in schedules other than those specified in the practitioner's state or federal registration or in violation of any condition placed on the practitioner's registration; (6) suspension, revocation, expiration, surrender or other disciplinary action taken against any professional license or registration held by the practitioner; (7) abuse or excessive use of drugs; (8) possession, use, prescription for use or distribution of controlled substances or legend drugs, except for therapeutic or other proper medical or scientific purpose; (9) a practitioner's failure to account for disposition of controlled substances as determined by an audit of the receipt and disposition records of said practitioner; (10) failure to keep records of medical evaluations of patients and all controlled substances dispensed, administered or prescribed to patients by a practitioner; (11) failure to establish and implement administrative safeguards for the protection of electronic protected health information pursuant to 45 CFR 164.308, as amended from time to time; and (12) breach of any such safeguards by a prescribing practitioner's authorized agent.

(b) If a practitioner dispenses, administers or prescribes a controlled substance to a patient, such practitioner shall make available for inspection by the department records of medical evaluations associated with such controlled substances dispensed, administered or prescribed. Such records shall be confidential and not subject to disclosure by the department. The department may inspect such records solely for the purpose of investigating or enforcing a violation of any provision of this chapter and the regulations promulgated thereunder. Nothing herein shall require the disclosure of substance abuse treatment records protected from disclosure pursuant to 42 U.S.C. §290dd-2, or other appliable federal law.

Document Name	DCP_4_Cannabis

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC
Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Maureen Magnan
Division Requesting This Proposal	Drug Control
Drafter(s)	Julianne Avallone, Rodrick Marriott

Title of Proposal	An Act Concerning Recommendations from the Department of Consumer Protection Regarding the Regulation of Cannabis
Statutory Reference, if any	21a-421j, 21a-421dd, 21a-240, 21a-421aa, 22-66m, 21a-243
Brief Summary and Statement of Purpose	To make changes to the regulation of cannabis.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Section 1 amends CGS section 21a-421j as amended by PA 23-79 section 41(b)(5)(N)(ii)(X) to clarify that labeling of cannabis must comply with both state and federal law, and to clarify packaging requirements for edible cannabis products.
Section 2 makes updates and technical changes to CGS 21a-421dd to clarify who constitutes a person authorized to make purchases and sales pursuant to chapter 420h of the general statutes and what constitutes an interest in cannabis transactions.
Sections 3-6 amends CGS sections 21a-240 and 21a-421aa to streamline the cannabinoid definitions to set up a clear framework in which manufactured cannabinoids are legal, and synthetic cannabinoids are prohibited drugs as opposed to cannabis. The new definitions of cannabinoids permit traditional, well-studied conversion processes and prohibits the creation of cannabinoids through novel, lesser-known methods which may pose a public health risk. If passed, DCP will amend the controlled substances regulations to include synthetic cannabinoids as a controlled substance.
Section 7 amends CGS section 22-66m to clarify that there is no prohibition on the interstate commerce of hemp that is legally produced in accordance with federal law. This will avoid dormant commerce clause lawsuits that have been filed in other jurisdictions.
Section 8 amends the list of controlled substances to include synthetic cannabinoids.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	NA
How will we measure if the proposal successfully	NA

accomplishes its goals?	
Have there been changes in federal/state laws or regulations that make this legislation necessary?	Section 1 clarifies that the manufacture of certain cannabis products, such as edible and topical products, must comply with Federal Food, Drug and Cosmetic Act. Section 7 of the bill clarifies federal law regarding the interstate transportation of hemp to avoid dormant commerce clause challenges.
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Sections 3-6 are based on new language from several other states including Colorado.
Have certain constituencies called for this proposal?	NA

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[x] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 21a-421j (b)(5)(N)(ii)(X) is repealed and the following is substituted in lieu thereof (Effective from passage):

(X) All information necessary to comply with labeling requirements imposed under the laws of this state [or]and federal law, including, but not limited to, sections 21a-91 to 21a-120, inclusive, and 21a-151 to 21a-159, inclusive, the Federal Food, Drug and Cosmetic Act, 21 USC 301 et seq., as amended from time to time, and the federal Fair Packaging and Labeling Act, 15 USC 1451 et seq., as amended from time to time, for similar products that do not contain cannabis.

Section 2. Section 21a-421dd of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) No member of the Social Equity Council and no employee of the Social Equity Council or department who carries out the licensing, inspection, investigation, enforcement or policy decisions authorized by [RERACA] this chapter, and any regulations enacted pursuant thereto, may, directly or indirectly, have any management or financial interest in the cultivation, manufacture, sale, transportation, delivery or testing of cannabis in this state, nor receive any commission or profit from nor have any financial interest in purchases or sales made by [persons]cannabis establishments licensed pursuant to this chapter, and authorized to make such purchases or sales pursuant to such license [RERACA]. No provision of this section shall prevent any such member or employee from purchasing and keeping in his or her possession, for his or her personal use or the use of such member's or employee's family or guests, any cannabis which may be purchased or kept by any person by virtue of [RERACA] this chapter.

(b) No former member of the Social Equity Council and no former employee of the Social Equity Council or department described insubsection (a) of this section shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

(c) No member of the General Assembly or state-wide elected public official shall, within two years of leaving state service, be eligible to apply either individually or with a group of individuals for a cannabis establishment license.

Section 3. Section 21a-240(29) 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; every compound, manufacture, salt, derivative, mixture, or preparation of such plant, or its [seeds or] resin;[,] any high-THC hemp product; manufactured cannabinoids[, synthetic cannabinoids, except as provided in subparagraph (E) of this subdivision]; or 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, which are controlled substances under this chapter, except cannabidiol derived from hemp, as defined in section 22-61*l*, as amended by this act, that is not a high-THC hemp product. "Marijuana" does not include: (A) 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 from such mature stalks or fiber, oil or cake; (B) the sterilized seed of such plant which is incapable of germination; (C) hemp, as defined in section 22-61*l*, as amended by this act, (i) with a total THC concentration of not more than three-tenths per cent on a dry-weight basis, and (ii) that is not a high-THC hemp product; or (D) any substance approved by the federal Food and Drug Administration or successor agency as a drug and reclassified in any schedule of controlled substances or unscheduled by the federal Drug Enforcement Administration or successor agency which is included in the same schedule designated by the federal Drug Enforcement Administration or successor agency[; or (E) synthetic cannabinoids which are controlled substances that are designated by the Commissioner of Consumer Protection, by whatever official, common, usual, chemical or trade name designation, as controlled substances that are classified in the appropriate schedule in accordance with subsections (i) and (j) of section 21a-243];

Section 4. Section 21a-240(61) of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(61) "Manufactured cannabinoid" means cannabinoids [naturally occurring from a source other than marijuana that are similar in chemical structure or physiological effect to cannabinoids derived from marijuana, as defined in section 21a-243, but are derived by a chemical or biological process.] created by converting one cannabinoid directly into a different cannabinoid through the application or light or heat, or through decarboxylation of naturally occurring acidic forms of cannabinoids.

Section 5. Section 21a-240(62) of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(62) "Synthetic cannabinoid" means any [material, compound, mixture or preparation which contains any quantity of a substance having a psychotropic response primarily by agonist activity at cannabinoid-specific receptors affecting the central nervous system that is produced artificially and not derived from an organic source naturally containing cannabinoids, unless listed in another schedule pursuant to section 21a-243] substance converted by a chemical process to create a cannabinoid or cannabinoid-like

substance that (1) has structural features which allow the interaction with one or more of the known cannabinoid-specific receptors, or (2) has any physiological or psychotropic response on one or more cannabinoid-specific receptors. Synthetic cannabinoids do not include cannabinoids produced naturally, or manufactured through the application of light or heat, or through decarboxylation of naturally occurring acidic forms of cannabinoids.

Section 6. Section 21a-421aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) No cannabis retailer or hybrid retailer shall accept payment or other form of compensation directly or indirectly from a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager to carry a cannabis product or for placement or promotion of such product in a retailer or hybrid retailer's establishment or through other promotional initiatives. No retailer or hybrid retailer shall enter into a contract with a cultivator, micro-cultivator, producer, food and beverage manufacturer, product manufacturer or product packager that requires or permits preferential treatment, exclusivity or near exclusivity or limits a retailer or hybrid retailer from purchasing from other cultivators, micro-cultivators, producers, food and beverage manufacturers or product manufacturers in any way.

(b) No cannabis establishment shall produce, manufacture or sell cannabis that is intended for use or consumption by animals.

(c) A retailer or hybrid retailer shall not knowingly sell to a consumer more than one ounce of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products, as set forth in subsection (i) of section 21a-279a, per day, except that a hybrid retailer or dispensary facility may sell up to five ounces of cannabis or the equivalent amount of cannabis products or combination of cannabis and cannabis products to a qualifying patient or caregiver per day. Notwithstanding the requirements of sections 4-168 to 4-172, inclusive, to avoid cannabis supply shortages or address a public health and safety concern, the commissioner may set temporary lower per-transaction limits, which shall be published on the department's Internet web site. Such limits shall become ineffective upon the commissioner's determination that a supply shortage or public health and safety concern no longer exists.

(d) No cannabis establishment, except a producer, cultivator or micro-cultivator, may acquire or possess a live cannabis plant.

(e) No person issued a license or registration pursuant to RERACA shall (1) assign or transfer such license or registration without the commissioner's prior approval, or (2) sell, transfer or transport cannabis to, or obtain cannabis from, a location outside of this state if such activity would be in violation of federal law.

(f) Synthetic cannabinoids, as defined in section 21a-240 of the general statutes, as amended by this act, are prohibited in cannabis and shall not be sold at any cannabis establishment.

Section 7. Section 22-66m as amended by public act 23-79 is amended and the following is added (Effective from passage):

(NEW) (cc) Nothing in this section shall be construed to prohibit the transportation or shipment through the state of hemp lawfully produced under federal law.

Section 8. Section 21a-243(j) of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(j) Notwithstanding the provisions of subsection (c) of this section, the Commissioner of Consumer Protection shall designate the following substances, by whatever official, common, usual, chemical or trade name designation, as controlled substances in schedule I of the controlled substances scheduling regulations:

(1) Mephedrone (4-methylmethcathinone); [and]

(2) Synthetic cannabinoids, as defined in section 21a-240 of the general statutes; and

(3) MDPV (3,4-methyenedioxypyrovalerone).

Document Name	DCP_5_Consumer Protection

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Maureen Magnan
Division Requesting This Proposal	Legal, Food and Standards, Licensing and Investigations Divisions.
Drafter(s)	Julianne Avallone

Title of Proposal	An Act Concerning Recommendations from the Department of Consumer Protection
Statutory Reference, if any	42-133ff, 42-110d, section 20 of PA 23-99, 21a-96, chapter 751, 43-16a, 21a-27 through 21a-30, 21a-79, 21a-29b, 21-71, 21a-217 through 21a-219, 21a-223, 21a-226 and 21a-227, 20-426, 20-432, 20-500, 20-523, 20-529, 20-529a through 20-529e, 25-133, 20-370
Brief Summary and Statement of Purpose	To update and make various minor, technical and conforming changes to the Department of Consumer statutes and to enhance consumer protections regarding retail pricing, home improvement contracts and health clubs.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section 1 amends the definition of "transaction" in 42-133ff to mirror the definition of trade and commerce in the Connecticut Unfair Trades Practices Act (CUTPA). Makes a technical change to consistently use the term "form of payment" rather than "method of payment." Clarifies that chapter 54 UAPA notice and hearing provisions apply.
Section 2 amends 42-110d, CUTPA, to allow the Department to impose civil penalties after an administrative hearing, mirroring the CUTPA fine structure established for the Office of the Attorney General (OAG). Currently, the Department may only order restitution or impose a cease and desist order through superior court. The OAG is currently the only agency that may impose fines through CUTPA, although the Department must initiate the case. The Commissioner may issue fines after a hearing for all other authority granted to the Department by statute. Also makes technical changes and updates language.
Section 3 amends 42-110aa to clarify that the laws governing refunds and returns also apply to return of goods purchased online and not just brick and mortar locations. The language also clarifies that a seller has a duty to conspicuously disclose the terms and conditions of their refund policy.
Section 4 amends section 20 of PA 23-99 to allow the Department to assess a late charge for failing to comply with continuing education requirements rather than bringing enforcement cases that are resource intensive and detract from other public health and safety priorities. Sets an expiration date for how long applications can sit with the department before they can be closed.
Section 5 amends 21a-96 to streamline the embargo process related to removing adulterated products, such as food and drugs, from the marketplace.
Section 6 amends chapter 751 to change the licensed public weigher definition to "public weighmaster" in order to conform with national naming conventions. Updates and makes other conforming changes.
Section 7 repeals sections 21a-27 to 21a-30 as it is repetitive with section 21a-100 of the general statutes, which already points to the federal model code.
Section 8 amends 21a-79b(e) to enhance consumer pricing accuracy by expanding the scope of businesses that must grant a free product to consumers when the business mislabels their products for sale. Currently the "get one free" law related to accurate price posting only applies to businesses larger than 10,000. This proposal would narrow the exception and apply the law to any business 1,500 square feet or greater.
Section 9 amends 21a-79(b)(4) to clarify that the requirements for price scanner accuracy apply to all types of business entities. The current language does not contemplate LLCs or other types of business entities. The proposed language also clarifies that fees associated with reinspection must be paid prior to the reinspection since the department has struggled collecting such fees post-inspection.
Section 10 amends subsection (b) of section 21-71 to clarify when the department may order an independent inspection report at a mobile home park and the process for doing so.
Sections 11-16 amend sections 21a-217 through 21a-219, 21a-223, 21a-226 and 21a-227 to improve access to the Health Club Guaranty Fund for consumers, limit medical overreach related to contract terminations, align enforcement provisions with the Commissioner's general powers, and make modernizing technical changes.
Section 17 amends section 20-426 to clarify that an enforcement action may be brought due to a home improvement contractor's failure to provide statutorily mandated disclosures when entering into a contract with a consumer.
Section 18 amends 20-432 to allow the Office of the Attorney General to take criminal action against businesses that perform home improvement work without a registration and commit fraud. Currently consumers are prohibited from accessing the Home Improvement Guaranty Fund if the criminal

action brought by the Attorney General names the individual and not their solely owned business entity.
Sections 19 – 27 amends 20-500, 20-523, 20-529, 20-529a through 20-529e to comply with the audit of the Federal Appraisal Subcommittee in order to maintain the State's accreditation for appraisers and appraisal management companies and create administrative penalties for unlicensed operators.
Section 28 amends section 25-133 to allow local health officials to sign off hardship exemptions related to the safety of potable water rather than the plumbing board.
Section 29 amends section 20-370 to clarify the practical experience requirement must be completed prior to application for the landscape architect registration examination and creates an alternate pathway to establish practical experience for licensure.

BACKGROUND

Origin of Proposal **[x] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	This proposal revises several DCP statutes to update and streamline numerous enforcement provisions.
How will we measure if the proposal successfully accomplishes its goals?	NA
Have there been changes in federal/state laws or regulations that make this legislation necessary?	Sections 19 – 27 are necessary to remain in compliance with the Federal Appraisal Subcommittee and must be adopted in order to maintain the State's accreditation for appraisers and appraisal management companies.

Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	NA
Have certain constituencies called for this proposal?	NA

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[x] Check here if this proposal does NOT impact other agencies

1. Agency Name	**Office of Attorney General**
Agency Contact (name, title)	**Cara Passaro**
Date Contacted	9/28/2023
Status	**[ ] Approved [x] Talks Ongoing**
Open Issues, if any	• Language still under review for section 18 • No issues related to Section 2 – expansion of CUTPA financial penalties – since the expanded authority will enhance case collaboration.

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[x] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	NA
Federal	NA
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[x] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Section 1. Section 42-133ff of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) For the purposes of this section:

(1) (A) "Agent" (i) means any person who (I) arranges for the distribution of services by another person, or (II) leases, rents or sells tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value, on behalf of another person, and (ii) includes, but is not limited to, (I) any person who is duly appointed as an agent by a common carrier, (II) any person who sells transportation, travel or vacation arrangements on behalf of another person who is engaged in the business of furnishing transportation, travel or vacation services, and (III) any member of a cruise line association that operates exclusively as an agent for cruise lines to sell cruise travel products or services.

(B) "Agent" does not mean (i) a common carrier, (ii) an employee of a common carrier, or (iii) any person engaged in the business of furnishing transportation, travel or vacation services.

(2) "Charge card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder and requires the holder to pay the full outstanding balance due on such card, device or instrument at the end of each standard billing cycle established by the issuer of such card, device or instrument, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing.

(3) "Credit card" (A) means any card, device or instrument that (i) is issued, with or without a fee, to a holder, and (ii) may be used by the holder in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value on credit, regardless of whether such card, device or instrument is known as a credit card, credit plate or by any other name, and (B) includes, but is not limited to, any software application that (i) is used to store a digital form of such card, device or instrument, and (ii) may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing on credit.

(4) (A) "Debit card" (i) means any card, code, device or other means of access, or any combination thereof, that (I) is authorized or issued for use to debit an asset account held, directly or indirectly, by a financial institution, and (II) may be used in a transaction to receive services or lease, purchase or rent tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value regardless of whether such card, code, device, means or combination is known as a debit card, and (ii) includes, but is not limited to, (I) any software application that is used to store a digital form of such card, code, device or other means of access, or any combination thereof, that may be used in a transaction to receive such services or lease, purchase or rent any such property, article, commodity or thing, and (II) any cards, codes, devices or other means of access, or any combination thereof, commonly known as automated teller machine cards and payroll cards.

(B) "Debit card" does not mean (i) a check, draft or similar paper instrument, or (ii) any electronic representation of such check, draft or instrument.

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

(6) "Surcharge" means any additional charge or fee that increases the total amount of a transaction for the privilege of using a particular [form]method of payment.

(7) (A) "Transaction" means distribution by one person to another person of any service, or the lease, rental or sale by one person of any tangible or intangible personal, real or mixed property, or any other article, commodity or thing of value to another person, for a certain price in this state.

(B) "Transaction" does not mean payment of any (i) fees, costs, fines or other charges to a state agency authorized by the Secretary of the Office of Policy and Management under section 1-1j, (ii) taxes, penalties, interest and fees allowed by the Commissioner of Revenue Services in accordance with section 12-39r, (iii) taxes, penalties, interest and fees, or other charges, to a municipality in accordance with section 12-141a, (iv) fees, costs, fines or other charges to the Judicial Branch in accordance with section 51-193b, or (v) sum pursuant to any other provision of the general statutes or regulation of Connecticut state agencies.

(b) No person may impose a surcharge on any transaction.

(c) (1) Nothing in this section shall prohibit any person from offering a discount on any transaction to induce payment by cash, check, debit card or similar means rather than by charge card or credit card. No person may offer any such discount unless such person posts a notice disclosing such discount. Such person shall clearly and conspicuously (A) post such notice on such person's premises if such person conducts transactions in-person, (B) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction that is processed by way of such digital payment application, and (C) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic transaction.

(2) In furtherance of the legislative findings contained in section 42-133j, no existing or future agreement or contract shall prohibit a gasoline distributor or retailer from offering a discount to a buyer based upon the method such buyer uses to pay for such gasoline. Any provision in such agreement or contract prohibiting such distributor or retailer from offering such discount is void and without effect because such provision is contrary to public policy.

(d) No person shall condition acceptance of a charge card or credit card for a transaction on a requirement that the transaction be in a minimum amount unless such person discloses such requirement. Such person shall clearly and conspicuously (1) post such notice on such person's premises if such person conducts transactions in-person, (2) display such notice on the Internet web site or digital payment application before completing any online transaction or transaction processed by way of such digital payment application, and (3) verbally provide such notice before completing any oral transaction, including, but not limited to, any telephonic transaction.

(e) No person may reduce the amount of any commission paid to an agent for such person in a transaction because a charge card or credit card was used to provide payment as part of such transaction.

(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. The Commissioner of Consumer Protection may, after notice and hearing in accordance with the provisions of chapter 54, impose an additional civil penalty for any violation of this section. The amount of such additional civil penalty shall not exceed five hundred dollars per violation. Payments of such additional civil penalty shall be deposited in the consumer protection enforcement account established in section 21a-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.

Section 2. Section 42-110d of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) Said commissioner or his or her authorized representatives shall have the right to (1) enter any place or establishment within the state, at reasonable times, for the purpose of making an investigation; (2) check the invoices and records pertaining to costs and other transactions of commodities; (3) take samples of commodities for evidence upon tendering the market price therefor to the person having such commodity in his or her custody; (4) subpoena documentary material relating to such investigation; and (5) have access to, for the purpose of examination, documentary material and the right to copy and receive electronic copies of such documentary material of any person being investigated or proceeded against. The commissioner or his or her authorized representatives shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary material relating to any matter under investigation.

(c) In addition to other powers conferred upon the commissioner, said commissioner may execute in writing and cause to be served in a manner prescribed by section 21a-2 of the general statutes[by certified mail] an investigative demand upon any person suspected of using, having used or about to use any method, act or practice declared by section 42-110b to be unlawful or upon any person from whom said commissioner wants assurance that section 42-110b has not, is not or will not be violated. Such investigative demand shall contain a description of the method, act or practice under investigation, provide a reasonable time for compliance, and require such person to furnish under oath or otherwise, as may be specified in said demand, a report in writing setting forth relevant facts or circumstances together with documentary material.

(d) Said commissioner, in conformance with sections 4-176e to 4-185, inclusive, whenever he or she has reason to believe that any person has been engaged or is engaged in an alleged violation of any provision of this chapter, shall mail to such person, in a manner prescribed by section 21a-2 of the general statutes[by certified mail], a complaint stating the charges and containing a notice of a hearing, to be held upon a day and at a place therein fixed at least fifteen days after the date of such complaint. The person so notified shall have the right to file a written answer to the complaint and charges therein stated and appear at the time and place so fixed for such hearing, in person or otherwise, with or without counsel, and submit testimony and be fully heard. Any person may make application, and upon good cause shown shall be allowed by the commissioner to intervene and appear in such proceeding by counsel or in person. The testimony in any such proceeding, including the testimony of any intervening person, shall be under oath and shall either be reduced to writing by the recording officer of the hearing or recorded in an audio or audiovisual format[and filed in the office of the commissioner]. The commissioner or his or her authorized representatives shall have the power to require by subpoena the attendance and testimony of witnesses and the production of any documentary material at such proceeding. If upon such hearing the commissioner is of the opinion that the method of competition or the act or practice in question is prohibited by this chapter, the commissioner or the commissioner's designee shall make a report in writing to the person complained of in which he or she shall state the[his] findings as to the facts and shall forward by certified mail to such person an order to cease and desist from using such methods of competition or such act or practice.[,] The commissioner may issue a civil penalty, in an amount not to exceed the civil penalty set forth in section 42-110o(b) of the general statutes, after a hearing conducted

pursuant to Chapter 54 of the general statutes, or, if the amount involved is less than ten thousand dollars, an order directing restitution, or both. The commissioner may apply for the enforcement of any cease and desist order, civil penalties, order directing restitution or consent order issued under this chapter to the superior court for the judicial district of Hartford, or to any judge thereof if the same is not in session, for orders temporarily and permanently restraining and enjoining any person from continuing violations of such cease and desist order, order directing payment of civil penalties or restitution, or consent order. Such application for a temporary restraining order, temporary and permanent injunction, order directing payment of civil penalties or restitution and for such other appropriate decree or process shall be brought and the proceedings thereon conducted by the Attorney General.

Section 3. Section 42-110aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Any person engaged in trade or commerce in this state shall disclose such person's refund or exchange policy, including whether or not it is the policy of such person to give refunds or allow exchanges. Such person shall clearly and conspicuously: (A) post such policy on such person's premises if such person conducts the sale of goods in-person; (B) display such policy on the Internet web site if such person conducts the sale of goods online; and (C) verbally provide such policy if the sale of goods is conducted orally, including, but not limited to, any sale of goods by telephone. If such person has a policy of giving refunds or allowing exchanges, such person's policy shall state: (A) whether a cash refund, credit refund, store credit, or exchange will be given; (B) whether the refund or exchange can occur at any time or not beyond a point in time specified; (C) whether the refund or exchange is subject to any fees and the dollar or percentage amount of each fee; (D) any other conditions which govern the refund or exchange. Any person with a policy of not giving refunds or allowing exchanges shall give a cash refund, a credit refund, or a store credit to any consumer who returns goods purchased from such person within seven days of receipt of such goods unless such policy is disclosed in accordance with the provisions of this subsection. [No person engaged in trade or commerce in this state, upon the return of goods purchased from such person's place of business, shall refuse to accept the returned goods immediately and issue the individual returning such goods either a cash or credit refund of the purchase price or credit towards the purchase of another item offered for sale at such person's place of business, provided such return is made within the period of time established by such person for the acceptance of returned goods and provided further, such goods are returned in a manner consistent with such person's conspicuously posted refund or exchange policy. Any such person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall clearly indicate the use of such system within such person's conspicuously posted refund or exchange policy.]

(b) Any person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall clearly indicate the use of such system within such person's conspicuously posted refund or exchange policy. Any person that utilizes an electronic system to record, monitor and limit the number or total dollar value of returns made by a consumer shall, prior to terminating the right of any such consumer to return goods [at such person's place of business] pursuant to any such limitation, provide written notice to such consumer that indicates such termination. Such termination notice shall not affect such consumer's right to return any goods purchased by such consumer or purchased for the benefit of such consumer prior to the date of such notice, if such consumer has a valid receipt evidencing a purchase date for such goods that is prior to the date such consumer receives such notice. Any such written notice that is mailed to the last-known address of such consumer, to the electronic mail address provided by such consumer, or to the address of such consumer that is obtained through reasonably available public records shall be deemed to comply with the notification requirements of this subsection.

(c) This section shall not be construed to prohibit any person engaged in trade or commerce in this state from extending the period of time during which such person will accept the return of goods purchased from such person['s place of business].

(d) This section does not apply to perishable goods, including readily perishable foods and beverages, or goods clearly marked as nonreturnable pursuant to such person's conspicuously posted refund or exchange policy.

(e) Any violation of the provisions of subsection (a) of this section shall constitute an unfair trade practice for purposes of section 42-110b.

Section 4. Section 20 of Public Act 23-99 of the 2023 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(c) The Commissioner of Consumer Protection may impose a late fee on any applicant who fails to renew a license, permit, certificate or registration on or before the expiration date of such license, permit, certificate or registration. The amount of the late fee shall be equal to ten per cent of the renewal fee but shall not be less than ten dollars or more than one hundred dollars. Prior to renewing a license, permit, certificate or registration, an applicant shall pay all outstanding fees, including late fees, owed to the department.
(d) If the Department of Consumer Protection does not receive a completed license, permit, certificate or registration renewal application from an applicant on or before the expiration date of such license, permit, credential, certificate or registration, the department may accept a renewal application for a period of up to [but the applicant submits a completed renewal application to the department not later than] ninety days after such expiration date.[, the] If the department elects to accept a renewal application during such period, the applicant shall pay any late fee imposed by the commissioner under subsection (c) of this section but shall not be required to apply for reinstatement under subsection (e) of this section. Post-expiration date, such lapsed permit, certificate or registration holder shall not engage in any activity that requires the applicable license, permit, certificate or registration without approval of a renewal application by the department.

(e) When a license, permit, certificate or registration has lapsed for a period longer than ninety days after its expiration date or the length of time specified in any other provision of the general statutes allowing for its reinstatement, an applicant may apply the Department of Consumer Protection to reinstate such lapsed license, permit, certificate or registration. Upon receipt of such completed reinstatement application and payment of the corresponding application fee, the department may, in the department's discretion and if such application is made not later than three years after such expiration date or specified time, reinstate such lapsed license, permit, certificate or registration without examination. The applicant, prior to reinstatement by the department, shall attest that the applicant has not worked in the applicable occupation or profession in this state while such license, permit, certificate or registration was lapsed, pay the current year's renewal fee for reinstatement and take any continuing education required for the year preceding such reinstatement and the year of such reinstatement. If the applicant worked in the applicable occupation or profession in this state while such license, permit, certificate or registration was lapsed, the applicant shall pay all license and late fees due and owing for the period in which such license, permit, certificate or registration was lapsed and demonstrate to the department that the applicant has completed all continuing education required for the year preceding reinstatement. If a license, permit, certificate or registration has lapsed for longer than three years after the license, permit, certificate or registration

expiration date or the length of time specified in any other provision of the general statutes allowing for reinstatement, whichever is longer, the applicant shall apply for a new license, permit, certificate or registration under this subsection. No person who had a license, permit, certificate or registration that lapsed during the three years immediately preceding the date of an application made pursuant to this subsection may seek a new license, permit, certificate or registration of the same type under the same name.
(f) Unless expressly provided otherwise by law, application fees for a license, permit, certificate or registration within the purview of the Department of Consumer Protection shall be nonrefundable. Any incomplete application received by the department may be deemed expired and withdrawn six months from the date of such application, unless waived in writing by the department.

Section 5. Section 21a-96 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Whenever the commissioner or his or her authorized agent finds, or has probable cause to believe, that any food, drug, device or cosmetic is offered or exposed for sale, or held in possession with intent to distribute or sell, or is intended for distribution or sale in violation of any provision of this chapter, whether it is in the custody of a common carrier or any other person, he or she may affix to such article a tag or other appropriate marking, giving written notice prior to or at the time of the embargo that such article is, or is suspected of being, in violation of this chapter and has been embargoed. Within twenty-one days after an embargo has been placed upon any article, unless the embargo period is extended by the commissioner based upon reinspection indicating the continuation of such violation, the embargo shall be removed by the commissioner or a summary proceeding pursuant to Chapter 54 of the general statutes or by filing with the superior court for the embargo[confiscation] of the article shall be instituted by the commissioner. No person shall remove, open, alter or dispose of such embargoed article by sale or otherwise without the permission of the commissioner or his or her agent, or, after summary proceedings have been instituted, without permission from the court or hearing officer. If the embargo is removed by the commissioner, a hearing officer or by the court, [neither] the commissioner, hearing officer and [nor] the state shall not be held liable for damages because of such embargo if the hearing offer or court finds that there was probable cause for the embargo.

(b) Summary proceedings[Proceedings before the Superior Court] brought in accordance with this section shall be by complaint[, verified by affidavit, which may be made on information and belief] in the name of the commissioner against the person in custody of article to be embargoed[confiscated].

(c) The complaint shall contain: (1) A particular description of the article, (2) the name of the place where the article is located, (3) the name of the person in whose possession or custody the article was found, if such name is known to the person making the complaint or can be ascertained by reasonable effort, and (4) a statement as to the manner in which the article is adulterated or misbranded or the characteristics which render its distribution or sale illegal.

(d) [Upon the filing of the verified complaint, the court shall issue a warrant directed to the proper officer to seize and take in his possession the article described in the complaint and bring the same before the court which issued the warrant and to summon the person named in the warrant, and any other person found in possession of the article, to appear at the time and place therein specified.

(e) Any such person shall be summoned by service of a copy of the warrant in the same manner as a summons issuing out of the court in which the warrant has been issued.

(f) The hearing upon the complaint shall be at the time and place specified in the warrant, which time shall not be less than five days or more than fifteen days from the date of issuing the warrant, but, if the execution and service of the warrant has been less than three days before the return of the warrant, either party shall be entitled to a reasonable continuance. Upon the hearing the complaint may be amended.

(g) Any person who appears and claims the food, drug, device or cosmetic seized under the warrant shall be required to file a claim in writing.

(h)] If, upon the hearing, it appears that the article was offered or exposed for sale, or had in possession with intent to distribute or sell, or was intended for distribution or sale, in violation of any provision of this chapter, it may[shall] be confiscated by the Department of Consumer Protection or ordered to be destroyed by the respondent or defendant, in a manner prescribed by [and disposed of by destruction or sale as] the court or hearing officer.[may direct, but no] No such article shall be sold contrary to any provision of this chapter. In the event of an adverse ruling against the respondent or defendant, such person shall be liable for all costs and expenses incurred by the Department of Consumer Protection in investigating, containing, removing, monitoring, mitigating and disposing of such embargoed products, as well as any associated legal expenses. The proceeds of any sale, less the legal costs and charges, shall be paid into the State Treasury.

[(i) If the article seized is not injurious to health and is of such character that, when properly packed, marked, branded or otherwise brought into compliance with the provisions of this chapter, its sale would not be prohibited, the court may order such article delivered to the owner upon the payment of the costs of the proceedings and the execution and delivery to the state department instituting the proceedings, as obligee, of a good and sufficient bond to the effect that such article will be brought into compliance with the provisions of this chapter under the supervision of said department, and the expenses of such supervision shall be paid by the owner obtaining release of the article under bond.]

(e)[(j)] Whenever the commissioner or any of his or her authorized agents finds in any room, building, vehicle of transportation, or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable article which is unsound, or contains any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the commissioner, or his or her authorized agent, shall forthwith embargo[condemn] or destroy the same, or in any other manner render the same unsalable as a human food.

(f) Whenever the commissioner or any of his or her authorized agents finds in any room, building, vehicle of transportation, or other structure, any drug or device as defined in this chapter, or drug paraphernalia as defined in Chapter 420b, which is adulterated, insanitary, produced, packed, or held under insanitary conditions, unsafe or not shown to be safe, that may be contaminated by filth, or that may be deleterious or injurious to health, the commissioner, or his or her authorized agent, shall forthwith embargo or destroy the same, or in any other manner render the same unsalable.

(g)[(k)] The commissioner may, after notice and hearing, impose a civil penalty of up to[not more than] five thousand[hundred] dollars for each separate offense on any person who removes any tag or other appropriate marking affixed to an article or offers or exposes for sale an article which has been embargoed [or condemned] in accordance with the provisions of this section, without the permission of the commissioner or his or her agent.

Section 6. Sections 43-16a to 43-16q of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Sec. 43-16a. When used in this chapter:
(1) "[Licensed public weigher] Public weighmaster" means a natural person licensed under the provisions of this chapter;
(2) "Vehicle" means any device in, upon or by which any property, produce, commodity or article is or may be transported or drawn;
(3) "Commissioner" means the state Commissioner of Weights and Measures.

Sec. 43-16b. The commissioner is authorized to enforce the provisions of this chapter and he or she may issue from time to time, in accordance with chapter 54, reasonable regulations for the enforcement of this chapter, which regulations shall have the force and effect of law.

Sec. 43-16c. Any person who is a resident of the state of Connecticut, is not less than eighteen years of age, is of good moral character and has the ability to weigh accurately and to make correct weight certificates may apply to the commissioner for a license as a [licensed public weigher]public weighmaster.

Sec. 43-16d.An application for a license as a [licensed public weigher] public weighmaster shall be made upon a form prescribed by the commissioner and the application shall furnish evidence that the applicant has the qualifications required by section 43-16c.

Sec. 43-16e. The commissioner may adopt rules for determining the qualifications of the applicant for a license as a [licensed public weigher]public weighmaster. He or she may pass upon the qualifications of the applicant upon the basis of the information supplied in the application, or he or she may examine such applicant orally or in writing, or both, for the purpose of determining his or her qualifications. He or she shall grant licenses as [licensed public weighers]public weighmasters to such applicants as may be found to possess the qualifications required by section 43-16c. The commissioner shall keep a record of all such applications and of all licenses issued thereon.

Sec. 43-16f. Before the issuance of any license as a [licensed public weigher] public weighmaster, or any renewal thereof, the applicant shall pay to the commissioner a fee of forty dollars.

Sec. 43-16g. The commissioner may, upon request and without charge, issue a limited license as a [licensed public weigher]public weighmaster to any qualified officer or employee of a state commission, board, institution or agency, authorizing such officer or employee to act as a [licensed public weigher]public weighmaster only within the scope of his or her official employment on behalf of the state commission, board, institution or agency of which he or she is an officer or employee.

Sec. 43-16h. Each license as [licensed public weigher]public weighmaster shall expire annually. Renewal applications shall be in such form as the commissioner shall prescribe.

Sec. 43-16i.The weight certificate issued by a [licensed public weigher]public weighmaster shall state the date of issuance, the kind of property, produce, commodity or article weighed, the name of the declared owner or agent of the owner or of the consignee of the material weighed, the accurate weight of the material weighed, the means by which the material was being transported at the time it was weighed, such other available information as may be necessary to distinguish or identify the property, produce, commodity or

article from others of like kind, and such other information required by statutes of this state or by regulations authorized to be issued for the enforcement of this chapter.

Sec. 43-16j. A [licensed public weigher]public weighmaster shall not enter on a weight certificate issued by him or her any weight values but such as he or she has personally determined, and he or she shall make no entries on a weight certificate issued by some other person. A weight certificate shall be so prepared as to show clearly that weight or weights were actually determined. If the certificate form provides for the entry of gross, tare, and net weights, in any case in which only the gross, the tare or the net weight is determined by the weigher, he or she shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weigher shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

Sec. 43-16k. When making a weight determination as provided for by this chapter, a [licensed public weigher]public weighmaster shall use a weighing device that is of a type suitable for the weighing of the amount and kind of material to be weighed and that has been tested and approved for use by a weights and measures officer of this state within a period of twelve months immediately preceding the date of the weighing.

Sec. 43-16l. A [licensed public weigher]public weighmaster shall not use any scale to weigh a load the value of which exceeds the nominal or rated capacity of the scale. When the gross or tare weight of any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon a scale having a platform of sufficient size to accommodate such vehicle or combination of vehicles fully, completely and as one entire unit. If a combination of vehicles must be broken up into separate units in order to be weighed as prescribed herein, each such separate weight certificate shall be issued for each such separate unit.

Sec. 43-16m. A [licensed public weigher]public weighmaster shall keep and preserve for at least one year, or such longer period as may be specified in the regulations authorized to be issued for the enforcement of this chapter, a legible carbon copy of each weight certificate issued by him or her, which copies shall be open at all reasonable times for inspection by any weights and measures officer of this state.

Sec. 43-16n. The following persons shall not be required, but shall be permitted, to obtain licenses as [licensed public weigher]public weighmaster: (1) A weights and measures officer when acting within the scope of his or her official duties, (2) a person weighing property, produce, commodities or articles that such person's[he or his] employer, if any, is either buying or selling, and (3) a person weighing property, produce, commodities or articles in conformity with the requirements of federal statutes or the statutes of this state relative to warehousemen or processors.

Sec. 43-16o. No person shall assume the title [licensed public weigher]public weighmaster, or any title of similar import, perform the duties or acts to be performed by a [licensed public weigher]public weighmaster under this chapter, hold himself or herself out as a [licensed public weigher]public weighmaster, issue any weight certificate ticket, memorandum or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless he or she holds a valid license as a [licensed public weigher]public weighmaster. As used in this section, "public weighing" means the weighing for any person, upon request, of property, produce, commodities or articles other than those which the weigher or his or her employer, if any, is either buying or selling.

Sec. 43-16p. The commissioner is authorized to suspend or revoke the license of any [licensed public weigher]public weighmaster (1) when he or she is satisfied, after a hearing upon ten days' notice to the licensee, that such licensee has violated any provision of this chapter or of any valid regulation of the commissioner affecting [licensed public weigher]public weighmaster, or (2) when a [licensed public weigher]public weighmaster has been convicted in any court of competent jurisdiction of violating any provision of this chapter or of any regulation issued under authority of this chapter.

Sec. 43-16q. (a) Any person who requests a [licensed public weigher]public weighmaster to weigh any property, produce, commodity or article falsely or incorrectly, or who requests a false or incorrect weight certificate, or any person who issues a weight certificate simulating the weight certificate prescribed in this chapter and who is not a [licensed public weigher] public weighmaster, shall, for the first offense, be fined not less than twenty-five dollars or more than one hundred dollars and, for any subsequent offense, be guilty of a class C misdemeanor.

(b) Any [licensed public weigher]public weighmaster who falsifies a weight certificate, or who delegates his or her authority to any person not licensed as a [licensed public weigher] public weighmaster, or who preseals a weight certificate with his or her official seal before performing the act of weighing, shall be guilty of a class C misdemeanor.

(c) Any person who violates any provision of this chapter or any rule or regulation promulgated pursuant thereto for which no specific penalty has been provided shall be fined not less than twenty-five dollars or more than one [hundred]thousand dollars.

(d) The Commissioner of Consumer Protection, after conducting a hearing in accordance with the provisions of chapter 54, may impose a civil penalty of up to thousand dollars per violation [not more than one hundred dollars for the first offense and not more than five hundred dollars for any subsequent offense] on any person who violates any provision of this chapter or any regulation adopted pursuant to this chapter. Each violation with respect to each such unit, certificate, device or scale shall be considered a separate offense.

Section 7. Sections 21a-27 through 21a-30 of the general statutes are repealed (Effective from passage)

Section 8. Subsection (e) of section 21a-79b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

Section 9. Subsection (b)(4) of section 21a-79 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b)(4) The provisions of subparagraph (A) of subdivision (1) of this subsection shall not apply to a person[, association, corporation, firm or partnership] if (A) the person[, association, corporation, firm or partnership] applies for, and the Commissioner of Consumer Protection approves, an exemption for such person[, association, corporation, firm or partnership], (B) such person[, association, corporation, firm or partnership] demonstrates, to the commissioner's satisfaction, that such person[, association, corporation, firm or partnership] 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) such person[, association, corporation, firm or partnership] 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, or six hundred twenty-five dollars, if the premises consists of at least twenty thousand square feet of retail space, (D) such person[, association, corporation, firm or partnership] makes available a consumer price test scanner that is 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 such person, association, corporation, firm or partnership pays]which reinspection shall be performed after receipt of payment by an applicant of a two-hundred-fifty-dollar reinspection fee.

Section 10. Subsection (b)(1) of section 21-71 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(b) (1) If an inspection by the department reveals a violation of any provision of this chapter or any regulation issued under this chapter, the cost of all reinspections necessary to determine compliance with any such provision shall be assumed by the owner, except that if a first reinspection indicates compliance with such provision, no charge shall be made.

(2) As part of an inspection or investigation, the department may order an owner of a mobile manufactured home park to obtain an independent inspection report, at the sole cost of the owner, that assesses the condition and potential public health impact of a condition at the park, including, but not limited to, the condition of trees and electrical, plumbing or sanitary systems. The department's order to obtain an independent inspection report shall be submitted to the respondent via electronic mail to the electronic mail address most recently provided by the applicant upon application or renewal to the department. Such notice shall provide a description of the condition or conditions which require further assessment by the owner.

(3) A mobile manufactured home park owner shall obtain and transmit to the department an independent inspection report within thirty days from the date the department sent the order to obtain such report, or at such later date approved by the commissioner or his or her designee in writing.

(4) The independent inspection report shall include an assessment of the condition or conditions outlined in the department's notice that impact public health and safety to determine the risk to public health and safety and the severity of such conditions. The report shall also include a detailed plan of action to remedy each such condition.

(5) When ordering an independent inspection report, the department may require that (A) the individual or firm completing the independent inspection report have training or licensure in a particular area related to the inspection ordered, and (B) the report specifically address particular issues or areas of a mobile manufactured home park of concern to the department. In the event a specialized knowledge or competency of the independent investigator is required by the department, the department shall include such requirement in the initial order notice sent to the mobile home park. Proof of compliance with this subsection shall be included with the submission of the independent inspection report to the department.

(6) Within ten days of receipt of such independent inspection report, the mobile manufactured park owner shall inform the department in writing of its plan to remedy the assessed condition.

Section 11. Section 21a-217 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Every contract for health club services shall provide that such contract may be cancelled within three business days after the date of receipt by the buyer of a copy of the contract, by [written] notice delivered [by certified or registered United States mail]in writing, with delivery tracking, to the seller or the seller's agent at an address which shall be specified in the contract. After receipt of such cancellation, the health club may request the return of any equipment or cards delivered to the buyer as part of the membership[contract forms, membership cards and any and all other documents and evidence of membership previously delivered to the buyer]. Cancellation shall be without liability on the part of the buyer, except for the fair market value of services actually received and the buyer shall be entitled to a refund of the entire consideration paid for the contract, if any, less the fair market value of the services or use of facilities already actually received. Such right of cancellation shall not be affected by the terms of the contract and may not be waived or otherwise surrendered. Such contract for health club services shall also contain a clause providing that if the person receiving the benefits of such contract relocates further than twenty-five miles from a health club facility operated by the seller or a substantially similar health club facility which would accept the seller's obligation under the contract, or dies during the membership term following the date of such contract, or if the health club ceases operation at the location where the buyer entered into the contract, the buyer or his estate shall be relieved of any further obligation for payment under the contract not then due and owing. The contract shall also provide that if the buyer becomes disabled during the membership term, the buyer shall have the option of (1) being relieved of liability for payment on that portion of the contract term for which he or she is disabled, or (2) extending the duration of the original contract at no cost to the buyer for a period equal to the duration of the disability. The health club shall have the right to require and verify reasonable evidence of relocation, disability or death. In the case of disability, the health club may require documentation from [that a certificate signed by] a licensed physician, a licensed physician assistant, [or] a licensed advanced practice registered nurse, or other credentialed medical provider be submitted as verification[and may also require in such contract that the buyer submit to a physical examination by a licensed physician, a licensed physician assistant or a licensed advanced practice registered nurse agreeable to the buyer and the health club, the cost of which examination shall be borne by the health club].

Section 12. Section 21a-218 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) A copy of the health club contract shall be delivered to the buyer at the time the contract is signed. All health club contracts shall (1) be in writing and signed by the buyer, (2) designate the date on which the buyer actually signs the contract, (3) identify the address of the location at which the buyer entered the contract, and (4) contain a statement of the buyer's rights which complies with this section. The following statement shall prominently and conspicuously appear, in at least 12 point font, at the top of [in]the contract[under the conspicuous caption]: "BUYER'S RIGHT TO CANCEL[", and shall read as follows:

"] If you wish to cancel this contract, you may cancel by sending a written notice [to one of the addresses specified below. The notice must say that]stating you do not wish to be bound by this contract[and must be delivered or mailed before midnight of the third business day after you sign this contract. After you cancel, the health club may request the return of all contracts, membership cards and other documents of evidence of membership]. The notice must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be delivered or mailed to:

....

....

(Insert name, electronic mail address and mailing address for cancellation notice.)

You may also cancel this contract if [you]:

1. You relocate your residence further than twenty-five (25) miles from any health club operated by the seller or from any other substantially similar health club which would accept the obligation of the seller;[. This contract may also be cancelled if you]
2. You die, or
3. [if the]The health club ceases operation at the location where you entered into this contract or the location closest to your primary residence.

If you become disabled, you shall have the option of:

(1) being relieved of liability for payment on that portion of the contract term for which you are disabled, or

(2) extending the duration of the original contract at no cost to you for a period equal to the duration of the disability.

You must send a written notice of disability, which may be electronically sent to the health club. You may be required to[must] prove such disability by [a certificate signed by] providing documentation from a licensed physician, [or] a licensed advanced practice registered nurse, or other credentialed medical provider[, which certificate shall be enclosed with the written notice of disability sent to the health club. The health club may require that you be examined by another physician or advanced practice registered nurse agreeable to you and the health club at its expense]. If you cancel, the health club may keep or collect an amount equal to the fair market value of the services or use of facilities you have already received."

[The full text of this statement shall be in ten-point bold type. Each contract renewed on or after October 1, 2021, shall revise the BUYER'S RIGHT TO CANCEL language to provide for cancellation notices received by electronic mail.]

(b) If a buyer cancels a health club contract pursuant to the three-day cancellation provision or as a result of having moved further than twenty-five miles, or as a result of the health club ceasing operation at the location where the buyer entered into the contract or the location closest to the buyer's primary residence as provided by this chapter, the health club shall send the buyer a written confirmation of cancellation within fifteen days after receipt by the health club of the buyer's cancellation notice. If the health club fails to send such written notice to the buyer within fifteen days, the health club shall be deemed to have accepted the cancellation.

[(c) (1) If the buyer notifies the health club that he has become disabled, the health club shall notify the buyer in writing within fifteen days of receipt by the health club of the buyer's notice of disability and any certificate signed by a licensed physician, physician assistant or a licensed advanced practice registered nurse which may be required under subsection (a) of this section that: (A) The health club will not require the buyer to submit to another physical examination; or (B) the health club requires the buyer to submit to another physical examination and that the buyer's obligations under the contract are suspended pending determination of disability. If the health club fails to send such written notice to the buyer within fifteen days, the health club shall be deemed to have accepted the disability.

(2) If the health club requires the buyer to submit to another physical examination, all obligations of the buyer for payment under the contract will be suspended as of the date the health club receives notice of disability. The buyer's obligations will not resume until such time as a determination is made, either by consent of the buyer and the health club or through adjudicative proceedings, that disability does not exist.]

(c)[(d)] A buyer who is disabled may, at the buyer's option, extend the duration of the original contract at no cost to the buyer for a period equal to the duration of the disability, or remain liable for partial payment on the contract as follows:

(1) A buyer who is disabled for a period less than the full remaining term of the contract shall only be liable for a pro-rata portion of the contract price equal to the total number of weeks specified in the contract less the number of weeks after the date on which the disability first occurred, the difference being divided

by the total number of weeks specified in the contract and the result of that division being multiplied by the total contract price.

(2) A buyer who is disabled for the full remaining term of the contract shall only be liable for a pro-rata portion of the contract price equal to the number of complete weeks before the date the disability first occurred for which the services or facilities were made available to the buyer divided by the total number of weeks specified in the contract with the result being multiplied by the total contract price.

(3) If the reasonable probabilities are that the buyer will be disabled for the full remaining term of the contract, and the buyer has elected not to extend the duration of the contract as provided in this subsection, the health club shall cancel the buyer's contract at the time such a determination is made and notify the buyer in writing that the contract has been cancelled.

(4) Any money paid by the buyer which is in excess of the amount for which he or she is liable under the provisions of this section shall be refunded by the seller to the buyer.

(5) A health club which received notice of disability from a buyer shall provide such buyer with a written form which shall fully explain the buyer's options as set forth in this subsection. Such form shall provide on it a location where the buyer shall indicate in writing the option he or she has chosen. Such form shall be signed by the buyer and the health club.

(e) In any cancellation of a health club service contract the buyer shall not be liable for any payment to the seller if the services received by the buyer are as a result of a representation by the health club to the buyer that such services are to be received free or if the buyer received services at a health club as a result of a representation by the health club to the buyer that such services are to be received at a reduced or discount price, the buyer shall only be liable as a result of his cancellation for an amount equal to that which was represented to the buyer that he or she would have to pay.

(f) Any refund to the buyer as a result of cancellation of the contract shall be delivered by the health club to the buyer within fifteen business days of receipt by the health club of the notice of cancellation.

Section 13. Section 21a-219 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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. Such notice shall be conspicuously printed on the first page of the contract and shall be provided in fourteen-point bold type. 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. 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. Any renewal option for continued membership shall 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. If a contract is presented solely in electronic format for the consumer, the

cancellation and disability provisions shall: (1) be presented as a separate document, electronically or in hard copy, to the consumer; and (2) include an acknowledgement of receipt of such provisions by the consumer. The cancellation and disability provisions document and the execution of the membership contract or health club services contract shall occur as part of the same transaction.

Section 14. Section 21a-223 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Each individual place of business of each health club shall obtain a license from the Department of Consumer Protection prior to the sale of any health club contract. Application for such license shall be made on forms provided by the Commissioner of Consumer Protection and said commissioner shall require as a condition to the issuance and renewal of any license obtained under this chapter (1) that the applicant provide for and maintain on the premises of the health club sanitary facilities; (2) that the applicant, on and after October 1, 2022, (A) (i) provide and maintain in a readily accessible location on the premises of the health club at least one automatic external defibrillator, as defined in section 19a-175, and (ii) make such location known to employees of such health club, (B) ensure that at least one employee is on the premises of such health club during staffed business hours who is trained in cardiopulmonary resuscitation and the use of an automatic external defibrillator in accordance with the standards set forth by the American Red Cross or American Heart Association, (C) maintain and test the automatic external defibrillator in accordance with the manufacturer's guidelines, and (D) promptly notify a local emergency medical services provider after each use of such automatic external defibrillator; (3) that the application be accompanied by (A) a license or renewal fee of two hundred fifty dollars, (B) a list of the equipment and each service that the applicant intends to have available for use by buyers during the year of operations following licensure or renewal, and (C) an electronic copy[two copies] of each health club contract that the applicant is currently using or intends to use; and (4) compliance with the requirements of section 21a-226. Such licenses shall be renewed annually. [The commissioner may impose a civil penalty of not more than three hundred dollars against any health club that continues to sell or offer for sale health club contracts for any location but fails to submit a license renewal and license renewal fee for such location not later than thirty days after such license's expiration date.]

(b) No health club shall (1) engage in any act or practice that is in violation of or contrary to the provisions of this chapter or any regulation adopted to carry out the provisions of this chapter, including the use of contracts that do not conform to the requirements of this chapter, or (2) engage in conduct of a character likely to mislead, deceive or defraud the buyer, the public or the commissioner. The Commissioner of Consumer Protection may refuse to grant or renew a license to, or may suspend or revoke the license of, any health club which engages in any conduct prohibited by this chapter.

(c) If the commissioner refuses to grant or renew a license of any health club, the commissioner shall notify the applicant or licensee of the refusal, and of the applicant's or licensee's right to request a hearing not later than ten days after the date of receipt of the notice of refusal. If the applicant or licensee requests a hearing within such ten-day period, the commissioner shall give notice of the grounds for the commissioner's refusal to grant or renew such license and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 concerning contested matters.

(d) The Attorney General at the request of the Commissioner of Consumer Protection may apply in the name of the state of Connecticut to the Superior Court for an order temporarily or permanently restraining and enjoining any health club from operating in violation of any provision of this chapter.

Section 15. Section 21a-226 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The Commissioner of Consumer Protection shall establish and maintain the Connecticut Health Club Guaranty Fund in accordance with the provisions of this section.

(b) Any health club which receives a license pursuant to section 21a-223 shall pay a fee of five hundred dollars annually to the guaranty fund except that a health club operated primarily for the purpose of teaching particular forms of self-defense or martial arts that has annual gross revenues of less than one hundred thousand dollars shall pay one hundred dollars annually to the guaranty fund.

(c) Payments received under subsection (b) of this section shall be credited to the guaranty fund whenever the fund balance is less than three hundred fifty thousand dollars. Money in the fund may be invested or reinvested in the same manner as funds of the state employees retirement system, and the interest derived from such investments shall be credited to the guaranty fund whenever the fund balance is less than three hundred fifty thousand dollars. Any such payments or interest not deposited in the guaranty fund shall be credited to the General Fund.

(d) If a health club is no longer in operation at the location where the buyer entered into the contract, the buyer having a claim against said health club may apply to the commissioner for payment of such claim from the guaranty fund, if the claim arises from (1) failure to provide services, (2) failure to comply with its contract obligations, (3) failure to remain open for the duration of its contracts, or (4) failure to comply with any provision of this chapter. Such claim may be filed if the health club fails to make payment of such claim.

(e) The commissioner shall provide forms for applications by buyers for payment from the guaranty fund. The application shall include the name and address of the health club, the beginning and ending date of the contract, the price of the contract, the date of the closing of the health club, the amount and the basis of the claim and a copy of the contract or other proof of membership deemed suitable by the commissioner. No application for a payment from the guaranty fund shall be accepted by the commissioner more than six months after the date of the closing of the location of the health club where the buyer entered into the contract.

(f) [The commissioner shall proceed upon such application and shall hold a hearing in accordance with the provisions of chapter 54. Notwithstanding the provisions of chapter 54, the decision of the commissioner shall be final with respect to the application. The commissioner may hear applications of all buyers submitting claims against a single health club in one proceeding.]Before the commissioner may issue any order directing payment out of the guaranty fund to an owner pursuant to this section, the commissioner shall first notify the health club of the buyer's application for an order directing payment out of the guaranty fund and of the health club's right to a hearing to contest the disbursement in the event that the health club: (1) has already paid the buyer; or (2) is complying with a payment schedule in accordance with a written agreement with the buyer, or a court judgment, order or decree. If the health club requests a hearing, in writing, not later than fifteen days after receiving the notice from the commissioner, the commissioner shall grant such request and shall conduct a hearing in accordance with the provisions of chapter 54. If the commissioner does not receive a request from the health club for a hearing within such fifteen day period, the commissioner shall determine that the buyer has not been paid, and the commissioner shall issue an order directing payment out of the guaranty fund for the amount due. The commissioner may hear applications of multiple buyers submitting claims against a single health club in one proceeding.

(g) After hearing, the commissioner shall issue an order requiring payment from the guaranty fund of any sum he or she finds to be payable upon such application. The total compensation payable from the guaranty fund on the closing of any one health club location shall not exceed seventy-five thousand dollars.

(h) If the commissioner pays any amount as a result of a claim against a health club pursuant to an order under subsection (g) of this section, the health club shall not be eligible to receive a new or renewed license until it has repaid such amount in full, plus interest at a rate to be determined by the commissioner.

(i) If the commissioner pays any amount as a result of a claim against a health club pursuant to an order under subsection (g) of this section, the commissioner shall determine if the health club is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the claim on such fund. If

the commissioner discovers any such assets, he or she may request that the Attorney General take any action necessary for the realization thereof for the reimbursement of the guaranty fund.

(j) The commissioner may, in order to preserve the integrity of the guaranty fund, order payments to be made out of said fund for amounts less than the actual loss incurred by any buyer of a health club contract.

(k) When the commissioner has caused any sum to be paid from the guaranty fund to a buyer who has entered into a health club contract, the commissioner shall be subrogated to all of the rights of the buyer up to the amount paid, and the buyer shall assign all of his right, title, and interest in the claim up to such amount to the commissioner, and any amount and interest recovered by the commissioner on the claim shall be deposited to the guaranty fund, except as provided in subsection (c) of this section.

(l) Notwithstanding any provision of the general statutes to the contrary, the commissioner may prohibit a health club from making payments to the Connecticut Health Club Guaranty Fund if, in the opinion of the commissioner, the health club within the past five years has engaged in any unfair or deceptive trade practices under subsection (a) of section 42-110b, has engaged in any conduct of a character likely to mislead, deceive or defraud the buyer, the public or the commissioner, or has violated any of the provisions this chapter. If the commissioner determines that a health club should be prohibited from making payments to the Connecticut Health Club Guaranty Fund the department shall provide notice to the health club, which notice[mail a notice by certified mail to the principal place of business of the health club and] shall state the grounds for the contemplated action. Within fourteen days of receipt of the notice, the health club may file a written request for a hearing. If a hearing is requested such hearing shall be conducted in accordance with the provisions of chapter 54.

(m) Each health club which has been prohibited from making payments to the Connecticut Health Club Guaranty Fund shall furnish the commissioner with a guaranty bond satisfactory to the commissioner in a sum equal to one hundred twenty-five thousand dollars and shall obtain a certificate from the department that the requirements of this subsection have been met. If a health club is no longer in operation at the location where the buyer entered into the contract, the buyer having a claim against the health club may apply to the commissioner for payment of such claim from the guaranty bond, if the claim arises from (1) failure to provide services, (2) failure to comply with its contract obligations, (3) failure to remain open for the duration of its contracts, or (4) failure to comply with any provision of this chapter. Such claim may be filed if, within thirty days after the buyer gives notice of the claim to the health club, the health club fails to make payment of such claim.

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

Section 16. Section 21a-227 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) When any health club is closing or transferring its place of business to another location, the health club[, at least sixty days before closing or transferring,] shall: (1) Notify the Department of Consumer Protection in writing; (2) notify all current members in writing; (3) notify all prospective members prior to entering into any health club contract in writing; and (4) conspicuously post a notice on the health club's Internet website and physical premises[publish a notice in a newspaper with general circulation throughout this state that the health club is closing or transferring its place of business]. Notice of closing or transfer of location shall be sent at least twice to current members, once at least sixty days before closing or transferring and a second notice no less than twenty days and no more than forty days before closing or transferring.

(b) No health club shall electronically monitor sales presentations between an employee of a health club and a prospective buyer unless the prospective buyer is notified that the sales presentation is being electronically monitored and the prospective buyer is given the option to require that the electronic monitor be shut off.

Section 17. Section 20-426 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The commissioner may revoke, suspend or refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson or place a registrant on probation or issue a letter of reprimand for: (1) Conduct of a character likely to mislead, deceive or defraud the public or the commissioner; (2) engaging in any untruthful or misleading advertising; (3) failing to reimburse the guaranty fund established pursuant to section 20-432 for any moneys paid to an owner pursuant to subsection (o) of section 20-432; (4) engaging in or practicing home improvement work without a contract containing the required provisions pursuant to section 20-429; [(4)] (5) unfair or deceptive business practices; or [(5)] (6) violation of any of the provisions of the general statutes relating to home improvements or any regulation adopted pursuant to any of such provisions. The commissioner may refuse to issue or renew any certificate of registration as a home improvement contractor or salesperson of any person subject to the registration requirements of chapter 969.

(b) The commissioner shall not revoke or suspend any certificate of registration or require the posting of a bond except upon notice and hearing in accordance with chapter 54.

Section 18. Section 20-432 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) The commissioner shall establish and maintain the Home Improvement Guaranty Fund.

(b) Each salesman who receives a certificate pursuant to this chapter shall pay a fee of forty dollars annually. Each contractor (1) who receives a certificate pursuant to this chapter, or (2) receives a certificate pursuant to chapter 399a and has opted to engage in home improvement pursuant to subsection (g) of section 20-417b shall pay a fee of one hundred dollars annually to the guaranty fund. Such fee shall be payable with the fee for an application for a certificate or renewal thereof. The annual fee for a contractor who receives a certificate of registration as a home improvement contractor acting solely as the contractor of record for a corporation shall be waived, provided the contractor of record shall use such registration for the sole purpose of directing, supervising or performing home improvements for such corporation.

(c) Payments received under subsection (b) of this section shall be credited to the guaranty fund until the balance in such fund equals seven hundred fifty thousand dollars. Annually, if the balance in the fund exceeds seven hundred fifty thousand dollars, the first four hundred thousand dollars of the excess shall be deposited into the consumer protection enforcement account established in section 21a-8a. Any excess thereafter shall be deposited in the General Fund. Any money in the guaranty fund may be invested or reinvested in the same manner as funds of the state employees retirement system, and the interest arising from such investments shall be credited to the guaranty fund.

(d) Whenever an owner obtains a binding arbitration decision, a court judgment, order or decree against any contractor holding a certificate or who has held a certificate under this chapter within two years of the effective date of entering into the contract with the owner, or against an individual that has an ownership interest in a business entity holding a certificate or that has held a certificate under this chapter within the two years of the effective date of entering into the contract with the owner, for loss or damages sustained by reason of performance of or offering to perform a home improvement within this state by a contractor

holding a certificate under this chapter, such owner may, upon the final determination of, or expiration of time for, taking an appeal in connection with any such decision, judgment, order or decree, apply to the commissioner for an order directing payment out of said guaranty fund of the amount unpaid upon the decision, judgment, order or decree, for actual damages and costs taxed by the court against the contractor, exclusive of punitive damages. The application shall be made on forms provided by the commissioner and shall be accompanied by a copy of the decision, court judgment, order or decree obtained against the contractor. No application for an order directing payment out of the guaranty fund shall be made later than two years after the final determination of, or expiration of time for, taking an appeal of said decision, court judgment, order or decree.

(e) Upon receipt of said application together with said copy of the decision, court judgment, order or decree, and true and attested copy of the executing officer's return, the commissioner or his designee shall inspect such documents for their veracity and upon a determination that such documents are complete and authentic, and a determination that the owner has not been paid, the commissioner shall order payment out of the guaranty fund of the amount unpaid upon the decision, judgment, order or decree for actual damages and costs taxed by the court against the contractor, exclusive of punitive damages.

(f) Whenever an owner is awarded an order of restitution against any contractor, or an individual that has an ownership interest in a contractor, for loss or damages sustained by reason of performance of or offering to perform a home improvement in this state by a contractor holding a certificate or who has held a certificate under this chapter within two years of the date of entering into the contract with the owner, in a proceeding brought by the commissioner pursuant to this section or subsection (d) of section 42-110d, or in a proceeding brought by the Attorney General pursuant to subsection (a) of section 42-110m or subsection (d) of section 42-110d, or a criminal proceeding pursuant to section 20-427, such owner may, upon the final determination of, or expiration of time for, taking an appeal in connection with any such order of restitution, apply to the commissioner for an order directing payment out of said guaranty fund of the amount unpaid upon the order of restitution. The commissioner may issue said order upon a determination that the owner has not been paid.

(g) When the commissioner orders payment to an owner out of the guaranty fund based upon a decision, judgment, order or decree of restitution against an individual who has an ownership interest in a business entity holding a certificate or that has held a certificate under this chapter within two years of entering into the contract with the owner, the individual that the order of restitution was issued against and the contractor that holds or held such certificate shall be jointly and severally liable for the resulting debt to the guaranty fund.

(h)[(g)] Before the commissioner may issue any order directing payment out of the guaranty fund to an owner pursuant to subsection (e) or (f) of this section, the commissioner shall first notify the contractor of the owner's application for an order directing payment out of the guaranty fund and of the contractor's right to a hearing to contest the disbursement in the event that the contractor has already paid the owner or is complying with a payment schedule in accordance with a court judgment, order or decree. Such notice shall be given to the contractor not later than fifteen days after receipt by the commissioner of the owner's application for an order directing payment out of the guaranty fund. If the contractor requests a hearing, in writing, by certified mail not later than fifteen days after receiving the notice from the commissioner, the commissioner shall grant such request and shall conduct a hearing in accordance with the provisions of chapter 54. If the commissioner does not receive a request by certified mail from the contractor for a hearing not later than fifteen days after the contractor's receipt of such notice, the commissioner shall determine that the owner has not been paid, and the commissioner shall issue an order directing payment out of the guaranty fund for the amount unpaid upon the judgment, order or decree for actual damages

and costs taxed by the court against the contractor, exclusive of punitive damages, or for the amount unpaid upon the order of restitution.

(i)[(h)] The commissioner or his or her designee may proceed against any contractor holding a certificate or who has held a certificate under this chapter within the past two years of the effective date of entering into the contract with the owner, for an order of restitution arising from loss or damages sustained by any person by reason of such contractor's performance of or offering to perform a home improvement in this state. Any such proceeding shall be held in accordance with the provisions of chapter 54. In the course of such proceeding, the commissioner or his designee shall decide whether to exercise his powers pursuant to section 20-426; whether to order restitution arising from loss or damages sustained by any person by reason of such contractor's performance or offering to perform a home improvement in this state; and whether to order payment out of the guaranty fund. Notwithstanding the provisions of chapter 54, the decision of the commissioner or his or her designee shall be final with respect to any proceeding to order payment out of the guaranty fund and the commissioner and his or her designee shall not be subject to the requirements of chapter 54 as they relate to appeal from any such decision. The commissioner or his or her designee may hear complaints of all owners submitting claims against a single contractor in one proceeding.

(j)[(i)] No application for an order directing payment out of the guaranty fund shall be made later than two years from the final determination of, or expiration of time for, appeal in connection with any decision, judgment, order or decree of restitution.

(k)[(j)] Whenever the owner satisfies the commissioner or his designee that it is not practicable to comply with the requirements of subsection (d) of this section and that the owner has taken all reasonable steps to collect the amount of the decision, judgment, order or decree or the unsatisfied part thereof and has been unable to collect the same, the commissioner or his designee may in his discretion dispense with the necessity for complying with such requirement.

(l)[(k)] In order to preserve the integrity of the guaranty fund, the commissioner, in the commissioner's sole discretion, may order payment out of said fund of an amount less than the actual loss or damages incurred by the owner or less than the order of restitution awarded by the commissioner or the Superior Court. In no event shall any payment out of said guaranty fund be in excess of twenty-five thousand dollars for any single claim by an owner.

(m)[(l)] If the money deposited in the guaranty fund is insufficient to satisfy any duly authorized claim or portion thereof, the commissioner shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally determined.

(n)[(m)]Whenever the commissioner has caused any sum to be paid from the guaranty fund to an owner, the commissioner shall be subrogated to all of the rights of the owner up to the amount paid plus reasonable interest, and prior to receipt of any payment from the guaranty fund, the owner shall assign all of this right, title and interest in the claim up to such amount to the commissioner, and any amount and interest recovered by the commissioner on the claim shall be deposited to the guaranty fund.

(o)[(n)] If the commissioner orders the payment of any amount as a result of a claim against a contractor, the commissioner shall determine if the contractor is possessed of assets liable to be sold or applied in satisfaction of the claim on the guaranty fund. If the commissioner discovers any such assets, he or she may request that the Attorney General take any action necessary for the reimbursement of the guaranty fund.

(p)[(o)] If the commissioner orders the payment of an amount as a result of a claim against a contractor, the commissioner may, after notice and hearing in accordance with the provisions of chapter 54, revoke the certificate of the contractor and the contractor shall not be eligible to receive a new or renewed certificate until he or she has repaid such amount in full, plus interest from the time said payment is made from the guaranty fund, at a rate to be in accordance with section 37-3b, except that the commissioner may, in his sole discretion, permit a contractor to receive a new or renewed certificate after that contractor has entered into an agreement with the commissioner whereby the contractor agrees to repay the guaranty fund in full in the form of periodic payments over a set period of time. Any such agreement shall include a provision providing for the summary suspension of any and all certificates held by the contractor if payment is not made in accordance with the terms.

Section 19. Section 20-500 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

As used in this section and sections 20-501 to 20-529e, inclusive, unless the context otherwise requires:

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

(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, association, corporation, limited liability company or partnership that performs appraisal management services, but does not include:

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

[(B) An appraisal management company that is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution regulatory agency;]

[(C)] (B) A department or division of an entity that provides appraisal management services exclusively to such entity; or

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

(4) "Appraisal management services" means:

(A) The administration of an appraiser panel;

(B) The recruitment of certified appraisers to be part of an appraiser panel, including, but not limited to, the negotiation of fees to be paid to, and services to be provided by, the certified appraisers for their participation on the appraiser panel; or

(C) The receipt of an appraisal request or order, or an appraisal review request or order, and the delivery of such request or order to an appraiser panel.

(5) "Appraiser panel" means a network of appraisers who are certified in accordance with the requirements established by the commission by regulation, are independent contractors of an appraisal management company and have:

(A) Responded to an invitation, request or solicitation from an appraisal management company to perform appraisals (i) requested or ordered through the appraisal management company, or (ii) directly for the appraisal management company on a periodic basis as assigned by such appraisal management company; and

(B) Been selected and approved by the appraisal management company.

(6) "Bank" has the same meaning as provided in section 36a-2.

(7) "Certified appraiser" means a person who has satisfied the minimum requirements for a category of certification established by the commission by regulation. Such minimum requirements shall be consistent with guidelines established by the Appraisal Qualification Board of the Appraisal Foundation. The

categories of certification shall include one category denoted as "certified residential appraiser" and another denoted as "certified general appraiser". The commission may modify such categories of certification.

(8) "Commission" means the Connecticut Real Estate Appraisal Commission appointed under the provisions of section 20-502.

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

(10) "Compliance manager" means a person who holds an appraiser certification in at least one state and is responsible for overseeing the implementation of, and compliance with, procedures for an appraisal management company to:

(A) Verify that a person being added to the appraiser panel of the appraisal management company holds a license in good standing in accordance with section 20-509;

(B) Maintain detailed records of each appraisal request or order the appraisal management company 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 appraisal management company to ensure that such appraisals are being conducted in accordance with the USPAP.

(11) "Controlling person" means a person who has not had an appraiser license, similar license or appraiser certificate denied, refused renewal, suspended or revoked in any state and:

(A) Is a director, officer or owner of an association, corporation, limited liability company or partnership offering or seeking to offer appraisal management services in this state;

(B) Is employed by an appraisal management company and has the authority to enter into agreements or contracts for the performance of appraisal management services or appraisals, or is appointed or authorized by such appraisal management company to enter into such agreements or contracts; or

(C) May exercise authority over, or direct the management or policies of, an appraisal management company.

(12) "Engaging in the real estate appraisal business" means the act or process of estimating the value of real estate for a fee or other valuable consideration.

(13) "Financial institution" means a bank, out-of-state bank or institutional lender, an affiliate or subsidiary of a bank, out-of-state bank or institutional lender or another lender licensed by the Department of Banking.

(14) "FIRREA" means the Financial Institutions, Reform, Recovery and Enforcement Act of 1989, P.L. 101-73, 103 Stat. 183.

(15) "Out-of-state bank" has the same meaning as provided in section 36a-2.

(16) "Person" means an individual.

(17) "Provisional appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration under the supervision of a certified real estate appraiser and who meets the minimum requirements, if any, established by the commission by regulation for provisional appraiser status.

(18) "Provisional license" means a license issued to a provisional appraiser.

(19) "Real estate appraiser" or "appraiser" means a person engaged in the business of estimating the value of real estate for a fee or other valuable consideration.

(20) "USPAP" means the Uniform Standards of Professional Appraisal Practice issued by the Appraisal Standards Board of the Appraisal Foundation pursuant to Title XI of FIRREA.

(21) "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. 1813 and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

Section 20. Section 20-523 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Any person who engages in the real estate appraisal business without obtaining a certification or provisional license, as the case may be, as provided in sections 20-500 to 20-528, inclusive, shall be: (i) fined not more than one thousand dollars or imprisoned not more than six months or both[,]; (ii) subject to civil penalties after an administrative hearing before the Commissioner of the Department of Consumer Protection or his or her designee, conducted pursuant to Chapter 54 of the General Statutes; and [shall be]ineligible to obtain a certification or provisional license for one year from the date of conviction of such offense or final decision rendered after an administrative hearing, except the commission, in its discretion, may grant a certification or provisional license, as the case may be, to such person within such one-year period upon application and after a hearing on such application.

(b) No person who is not certified or provisionally licensed, as the case may be, by the commission as a real estate appraiser shall represent himself or herself as being so certified or provisionally licensed or use in connection with such person's name or place of business the term "real estate appraiser", "real estate appraisal", "certified appraiser", "certified appraisal", "residential appraiser", "residential appraisal", "provisional appraiser" or "provisional appraisal" or any words, letters, abbreviations or insignia indicating or implying that such person is a certified or provisionally licensed, as the case may be, real estate appraiser in this state. Any person who violates the provisions of this subsection shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

Section 21. Section 20-529 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) No appraisal management company that is not a federally regulated 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 that is not a federally regulated 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 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 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;

(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; and

(4) Determine to the commissioner's satisfaction that each appraisal management company compensates appraisers in compliance with the federal Truth-in-Lending Act, 15 USC Section 1639e(i), as amended from time to time.

(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 22. Section 20-529a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Each appraisal management company that is not a federally regulated appraisal management company shall certify annually to the commissioner that it maintains a detailed record of each appraisal request or order it receives and of the appraiser who performs such appraisal.

(b) Each appraisal management company that is not a federally regulated appraisal management company may audit the appraisals completed by appraisers on its appraiser panel to ensure that such appraisals are being performed in accordance with the USPAP.

(c) Each appraisal management company that is not a federally regulated appraisal management company shall disclose to a client prior to providing, or along with, the appraisal report (1) the dollar amount of the total compensation to be paid by such company to the appraiser who performed the appraisal; and (2) the dollar amount of the total compensation to be retained by such company from the appraisal fee paid to such company for such appraisal.

(d) No appraisal management company that is not a federally regulated appraisal management company shall prohibit or attempt to prohibit an appraiser from including or referencing in an appraisal report the appraisal fee, the name of the appraisal management company or the client's or lender's name or identity.

Section 23. Section 20-529b of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(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 in which an ownership interest is held 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 that is not a federally regulated 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 that is not a federally regulated 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 24. Section 20-529c of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) After an appraiser is initially added to an appraiser panel of an appraisal management company that is not a federally regulated appraisal management company, such company shall not remove an appraiser from its appraiser panel or otherwise refuse to assign requests or orders for appraisals without:

(1) Notifying the appraiser in writing of the reasons why the appraiser is being removed;

(2) If the appraiser is being removed for alleged illegal conduct, violation of the USPAP or violation of state licensing standards, notifying the appraiser in writing of the nature of the alleged conduct or violation; and

(3) Providing the appraiser with an opportunity to respond to such notice.

(b) (1) Any appraiser who is removed from an appraiser panel of an appraisal management company that is not a federally regulated appraisal management company for alleged illegal conduct, violation of the USPAP or violation of state licensing standards may file a complaint with the commissioner and request a review of the removal decision, except that the commissioner shall not make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company that is unrelated to the actions specified in subsection (a) of this section.

(2) If an appraiser files a complaint against an appraisal management company that is not a federally regulated appraisal management company pursuant to subdivision (1) of this subsection, the commissioner shall notify such company not later than ten days after such complaint is filed. The commissioner may schedule a hearing and shall render a decision not later than one hundred eighty days after the date such complaint is filed.

(3) If the commissioner determines to the commissioner's satisfaction that the appraiser did not engage in illegal conduct, violate the USPAP or violate state licensing standards, the commissioner shall order such appraiser to be reinstated to the appraiser panel of the appraisal management company.

(4) If the appraisal management company that is not a federally regulated appraisal management company, was the subject of the complaint then the appraisal management company shall not (A) refuse to assign requests or orders for appraisals or reduce the number of assignments to the reinstated appraiser, or (B) otherwise penalize the reinstated appraiser.

Section 25. Section 20-529d of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) Upon the verified complaint, in writing, of any person concerning a violation by an appraisal management company that is not a federally regulated appraisal management company of the provisions of sections 20-529 to 20-529c, inclusive, the Department of Consumer Protection may investigate such company. Upon a determination by the commissioner that an appraisal management company has made any materially false, fictitious or fraudulent statement or violated any provision of sections 20-529 to 20-529c, inclusive, the commissioner may deny, refuse to renew, suspend or revoke a certificate of registration issued in accordance with section 20-529 and may impose a civil penalty of not more than twenty-five thousand dollars.

(b) Before denying, refusing to renew, suspending or revoking a certificate of registration or imposing any civil penalty, the commissioner shall give notice and afford an opportunity for hearing in accordance with chapter 54.

(c) Any person aggrieved by any decision or order of the commissioner under this section may appeal therefrom in accordance with section 4-183.

Section 26. Section 20-529e of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

The Commissioner of Consumer Protection may adopt regulations, in accordance with chapter 54, to carry out the provisions of sections 20-529 to 20-529[c]f, inclusive.

Section 27. (New) (Effective from passage):

(a) No federally regulated appraisal management company shall be required to register with the Department.

(b) A federally regulated appraisal management company shall report, in a form and manner proscribed by the Department such information as is required to be submitted to the Commissioner to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council pursuant to Title XI of FIRREA, any federal regulation promulgated thereunder, and any policy or rule established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(c) A federally regulated appraisal management company shall pay an annual registry fee to the commissioner in an amount determined by the Appraisal Subcommittee in accordance with federal law. The Commissioner shall transmit the annual registry fee in accordance with Title XI of FIRREA, any federal regulation promulgated thereunder, and any policy or rule established by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

Section 28. Section 25-133 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

Where the board finds that compliance with all requirements of this chapter or regulations, adopted pursuant thereto, unrelated to the purity, potability, and safeguarding of well waters, would result in undue hardship, an exemption from any one or more of such requirements may be granted by the board, subject to the approval of the Commissioner of Consumer Protection, to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this chapter. In matters related to the purity, potability and safeguarding of well waters, under section 19a-37 of the Connecticut General Statutes, where the local director of health finds that compliance with all requirements of this chapter or its regulations would result in an undue hardship, an exemption from any or more of such requirements may be granted by the local director of health, upon a finding that such exemption will not adversely affect the purity and adequacy of the well water.

Section 29. Section 20-370 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) No person shall receive a license under the provisions of this chapter until such person has passed an examination which shall include the Landscape Architect Registration examination established by the Council of Landscape Architectural Registration Boards for examination of candidates for licensure as landscape architects and [such]any additional technical and professional subjects as may be prescribed by the board with the consent of the Commissioner of Consumer Protection. Any person who has completed the course of study in and been graduated from a college or school of landscape architecture accredited by

the Landscape Architectural Accreditation Board may apply for such examination, provided such person shall submit evidence of completion of a minimum of two years' practical experience under the direct supervision of a licensed landscape architect prior to applying to take the Landscape Architect Registration Examination for the purpose of obtaining licensure in the state of Connecticut.

(b) The department, upon receipt of a complete application, shall accept passing scores achieved by an applicant on sections of the Landscape Architect Registration Examination administered in another jurisdiction and attested to by the Council of Landscape Architectural Registration Boards.

(c) In lieu of such graduation from an accredited college or school of landscape architecture and such practical experience, an applicant may be admitted to the examination upon presenting evidence of: (1) Having graduated with at least a bachelor's degree in a discipline related to landscape architecture or in landscape architecture from a college that has not been accredited by the Landscape Architectural Accreditation Board, provided the curriculum is consistent with that of an accredited landscape architecture program as determined by the board, with the consent of the Commissioner of Consumer Protection, and (2) a minimum of four years of practical experience under the direct supervision of a licensed landscape architect.

(d) In lieu of the two years' practical experience requirement under the direct supervision of a licensed landscape architect, the board or the department may consider practical experience related to landscape architecture under the direct supervision of a licensed civil engineer or licensed architect when the applicant demonstrates that such experience includes sufficient elements of landscape architecture included in the Landscape Architect Registration Examination.

(e) If the applicant's examination is satisfactory, upon payment of the license fee fixed by section 20-374, the [board shall authorize the] Department of Consumer Protection shall[to] issue a license to the applicant, showing that the person named therein passed the examination and is entitled to practice landscape architecture in this state in accordance with the provisions of this chapter.