



Agency Legislative Proposal - 2021 Session

Document Name: DCP2021DrugControl.docx

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

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien

Phone: 860-713-6208

E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

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

Statutory Reference: Sections 21a-319, 20-633b, 20-614, 21a-70

Proposal Summary:

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

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

Section 3 amends 20-633b to increase from 10 to 45 days the required notice that sterile compounding pharmacies must give the department prior to remodeling, relocating, upgrading or repairing their facilities, and adds a requirement that they submit their plans remodeling, relocating, upgrading or repairing.

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

Section 5 amends CGS Section 21a-70 to clarify that hospice inpatient facilities licensed pursuant to sec. 19a-490, and hospitals that supply noncontrolled drug or a schedule II, III, IV, or V controlled substance in an outpatient care setting operated by the hospital are not drug wholesalers.

PROPOSAL BACKGROUND

◇ Reason for Proposal



Please consider the following, if applicable:

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

These proposals to the drug control and pharmacy statutes make changes to better ensure the health and safety of the public.

Origin of Proposal **New Proposal** **Resubmission**

If this is a resubmission, please share:

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

Sections 1 through 4 of this bill were raised during the 2020 Legislative Session and the bill (SB 135) was JFS'd out of the General Law Committee by a unanimous vote. Most of section 5 was also part of last year's bill, however, a provision to include hospice care in this section is new.

PROPOSAL IMPACT

AGENCIES AFFECTED (please list for each affected agency)

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

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

Summary of Affected Agency's Comments

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

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

Municipal (please include any municipal mandate that can be found within legislation)

None

State None

Federal

None



Additional notes on fiscal impact

NA

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

NA

◇ **EVIDENCE BASE**

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

NA

[Insert fully drafted bill here](#)

AN ACT CONCERNING REVISIONS TO PHARMACY AND DRUG CONTROL STATUTES.

Section 1. Section 21a-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) No certificate of registration shall be issued, maintained or renewed under this chapter unless or until the applicant has furnished proof satisfactory to the Commissioner of Consumer Protection that he or she is licensed or duly authorized to practice his or her profession by the appropriate state licensing board, commission or registration agency; or, in the case of a hospital or other institution, by the appropriate state agency having jurisdiction over the licensure, registration or approval of such establishment.

(b) The Commissioner of Consumer Protection may change the status of a controlled substance registration to inactive for any practitioner who fails to maintain a license, registration or approval of a license to practice his or her medical profession for a period longer than ninety days. Such change in license status shall not be considered disciplinary and the registration shall be reinstated without additional fee, if the practitioner restores his or her license, registration or approval to practice his or her profession with the Department of Public



Health or associated board or commission, and the reinstatement occurs prior to the expiration of the controlled substance registration.

Sec. 2. (NEW) (*Effective from passage*) (a) For purposes of this section, "epinephrine auto injector" means a prefilled auto injector or similar automatic injectable equipment used to deliver epinephrine in a standard dose for emergency first aid response to allergic reactions.

(b) A pharmacist, in his or her professional discretion, may issue a prescription for an epinephrine auto injector under the following conditions:

(1) The pharmacist identifies that the patient requesting such prescription has previously received an epinephrine auto injector by prescription from another pharmacy;

(2) The pharmacist identifies the patient's current medical provider;

(3) The pharmacist informs the patient's current medical provider of the issuance of the prescription not later than seventy-two hours after such issuance, by either phone, facsimile or electronic transmission;

(4) The prescription issued by the pharmacist is for not more than two epinephrine auto injectors; and

(5) The prescription issued by the pharmacist does not have any refills.

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

Sec. 3. Subsection (f) of section 20-633b of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) (1) If a sterile compounding pharmacy plans to remodel [a pharmacy clean room within the sterile compounding facility,] any area utilized for the compounding of sterile pharmaceuticals or adjacent space, relocate [a pharmacy clean room within the facility] any space utilized for the compounding of sterile pharmaceuticals or upgrade or conduct a nonemergency repair to the heating, ventilation, air conditioning or primary or secondary



engineering controls for [a pharmacy clean room within the facility] any space utilized for the compounding of sterile pharmaceuticals, the sterile compounding pharmacy shall notify the Department of Consumer Protection, in writing, not later than [ten] forty-five days prior to commencing such remodel, relocation, upgrade or repair. Such written notification shall include a plan for such remodel, relocation, upgrade or repair and such plan shall be subject to department review and approval. If a sterile compounding pharmacy makes an emergency repair, the sterile compounding pharmacy shall notify the department of such emergency repair, in writing, [as soon as possible] not later than twenty-four hours after such repair is commenced.

(2) If the USP chapters require sterile recertification after such remodel, relocation, upgrade or repair, the sterile compounding pharmacy shall provide a copy of its sterile recertification to the Department of Consumer Protection not later than five days after the sterile recertification approval. The recertification shall only be performed by an independent licensed environmental monitoring entity.

Sec. 4. Subsection (d) of section 20-614 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Prior to or simultaneous with the dispensing of a drug [pursuant to subsection (b) of this section] from a pharmacy licensed pursuant to chapter 400j, a pharmacist or other employee of the pharmacy shall, whenever practicable, offer for the pharmacist to discuss the drug to be dispensed and to counsel the patient on the usage of the drug, except when the person obtaining the prescription is other than the person named on the prescription form or electronic record or the pharmacist determines it is appropriate to make such offer in writing. Any such written offer shall include an offer to communicate with the patient either in person at the pharmacy or by telephone.

Sec. 5. Subsection (a) of section 21a-70 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

(a) As used in this section: (1) "Drugs", "devices" and "cosmetics" have the same meanings as defined in section 21a-92, "wholesaler" or "distributor" means a person, including, but not limited to, a medical device and oxygen provider, a third-party logistics provider, a virtual manufacturer or a virtual wholesale distributor, as such terms are defined in section 20-571,



whether within or without the boundaries of the state of Connecticut, who supplies drugs, devices or cosmetics prepared, produced or packaged by manufacturers, to other wholesalers, manufacturers, distributors, hospitals, prescribing practitioners, as defined in subdivision (22) of section 20-571, pharmacies, federal, state or municipal agencies, clinics or any other person as permitted under subsection (h) of this section, except that: (A) A retail pharmacy or a pharmacy within a licensed hospital that supplies to another such pharmacy a quantity of a noncontrolled drug or a schedule II, III, IV or V controlled substance normally stocked by such pharmacies to provide for the immediate needs of a patient pursuant to a prescription or medication order of an authorized practitioner, (B) a pharmacy within a licensed hospital that supplies drugs to another hospital or an authorized practitioner for research purposes, (C) a retail pharmacy that supplies a limited quantity of a noncontrolled drug or of a schedule II, III, IV or V controlled substance for emergency stock to a practitioner who is a medical director of a chronic and convalescent nursing home, of a rest home with nursing supervision, a hospice inpatient facility licensed pursuant to section 19a-490 of the general statutes or of a state correctional institution, and (D) a pharmacy within a licensed hospital that contains another hospital wholly within its physical structure that supplies to such contained hospital a quantity of a noncontrolled drug or a schedule II, III, IV, or V controlled substance normally stocked by such hospitals to provide for the needs of a patient, pursuant to a prescription or medication order of an authorized practitioner, receiving inpatient care on a unit that is operated by the contained hospital, or receiving outpatient care in a setting operated by the contained hospital and such drug or substance is administered on-site by the contained hospital, shall not be deemed a wholesaler under this section; (2) "manufacturer" means (A) a person, whether within or without the boundaries of the state of Connecticut, who produces, prepares, cultivates, grows, propagates, compounds, converts or processes, directly or indirectly, by extraction from substances of natural origin or by means of chemical synthesis or by a combination of extraction and chemical synthesis, or who packages, repackages, labels or relabels a container under such manufacturer's own or any other trademark or label any drug, device or cosmetic for the purpose of selling such items, or (B) a sterile compounding pharmacy, as defined in section 20-633b, as amended by this act, that dispenses sterile pharmaceuticals without a prescription or a patient-specific medical order; (3) "drug", "device" and "cosmetic" have the same meanings as provided in section 21a-92; and (4) "commissioner" means the Commissioner of Consumer Protection or his or her designee.



Agency Legislative Proposal - 2021 Session

Document Name: DCP2020GamingDivision.docx

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

State Agency: Department of Consumer Protection

Liaison: Leslie O’Brien

Phone: 860-713-6208

E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Gaming Division

Agency Analyst/Drafter of Proposal: Leslie O’Brien

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

Statutory Reference: CGS Section 12-569

Proposal Summary:

Clarifies that simple interest calculations shall be applied to delinquency assessments calculated by the Connecticut Lottery Corporation.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

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

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

◇ Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

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

This proposal was raised in the 2020 Legislative Session, SB 268. It had a public hearing and but was not JF'd out of the Public Safety Committee before the session ended in March.

PROPOSAL IMPACT

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

Agency Name: Connecticut Lottery Corporation

Agency Contact (name, title, phone): Greg Smith

Date Contacted: 09/27/2020

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO Not sure.

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

Municipal (please include any municipal mandate that can be found within legislation)

None

State

Potential revenue once amount owed is realistic.

Federal

None

Additional notes on fiscal impact

It is difficult to calculate the potential revenue.



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

None

◇ **EVIDENCE BASE**

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

NA

[Insert fully drafted bill here](#)

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



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

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



Agency Legislative Proposal - 2021 Session

Document Name: DCP2021LegalDivision.docx

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

State Agency: Department of Consumer Protection

Liaison: Leslie O'Brien

Phone: 860-713-6208

E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Legal Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

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

Statutory Reference: Sections 21a-218, 21a-219, 42-179(g), 42-181(c)(4), 42-181(b), 42-190

Proposal Summary:

Section 1 allows consumers to cancel their health club contract by either regular mail or email, rather than certified or registered mail.

Section 2 requires health clubs to remind consumers of auto-renewals 45 days prior.

Section 3 clarifies that when there is a Lemon Law settlement whereby the manufacturer voluntarily agrees to buy back a vehicle, that branding of the vehicle is required and establishes a timeline and a fine when the branding does not occur.

Section 4 establishes a 30 day timeline for the manufacturer to comply with an order when the arbitrator requires a buyback, and creates a \$1000 per day fine if the buyback does not occur within said timeline and requires that notice be given, pre-sale, to a potential subsequent owner of an automobile if the seller filed a Lemon Law application.

Section 5 provides a deadline by which car dealers must transfer the lemon law surcharges collected and also allows the Department to impose a fine for failure to transfer the surcharges.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

Please consider the following, if applicable:

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

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



◇ **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

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

NA

PROPOSAL IMPACT

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

Agency Name: Department of Motor Vehicles
Agency Contact (name, title, phone): Millie Torres-Ferguson
Date Contacted:

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

Summary of Affected Agency's Comments

Will there need to be further negotiation? **YES** **NO** **Not Sure**

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

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Additional notes on fiscal impact

NA

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

NA



◇ **EVIDENCE BASE**

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

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

[Insert fully drafted bill here](#)

Section 1. Section 21a-218 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

Sec. 21a-218. (Formerly Sec. 19-341c). Statement of buyer's rights. Form. Buyer's cancellation.

Seller's written confirmation. Buyer's disability. Refunds. (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 be in writing and signed by the buyer, shall designate the date on which the buyer actually signs the contract, shall identify the address of the location at which the buyer entered the contract and shall contain a statement of the buyer's rights which complies with this section. The statement must: (1) Appear in the contract under the conspicuous caption: "BUYER'S RIGHT TO CANCEL", and (2) read as follows:

"If you wish to cancel this contract, you may cancel by [mailing]sending a written notice [by certified or registered mail] to the address specified below. The notice must say that 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 to:

....
....

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

You may also cancel this contract if you relocate your residence further than twenty-five 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 die, or if the health club ceases operation at the location where you entered into this contract. 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 prove such disability by a certificate signed by a licensed physician or a licensed advanced practice registered nurse, 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. Any contracts renewed after October 1, 2021 shall revise the BUYER'S RIGHT TO CANCEL language to provide for cancellation notices received by email.

Section 2. Section 21a-219 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

(b) Written notice that a contract will automatically renew shall be provided by the health club to the consumer at the time of entering into the contract. No contract shall contain an automatic renewal clause except for a renewal for a period not to exceed one month. If such contract contains such a one-month automatic renewal clause, such renewal shall become effective only upon payment of the renewal price and such contract shall permit the buyer to cancel any further renewal upon no more than one month's notice, except that for any such contract where the term of the contract is forty-five days or longer, written notice that the contract is soon subject to auto-renewal shall be provided by the health club to the consumer not sooner than sixty days prior to the expiration of term of the contract and not later than forty-five days prior to the expiration of the term of the contract. The price of any such renewal shall not increase or decrease unless the contract: (1) Discloses the amount of such increase or



decrease or the method of calculating such increase or decrease in the price of such renewal, or (2) such information is otherwise provided to the buyer, in writing, no less than one month prior to such renewal, except that for any such contract where the term of the contract is forty-five days or longer, such information shall be provided by the health club to the consumer not sooner than sixty days prior to the expiration of term of the contract and not later than forty-five days prior to the expiration of the term of the contract. Any renewal option for continued membership must be accepted by the buyer in writing, by electronic mail or facsimile and shall become effective only upon payment of the renewal price.

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

Sec. 3. Section 42-179 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

(c) No consumer shall be required to notify the manufacturer of a claim under this section and sections 42-181 to 42-184, inclusive, as amended by this act, unless the manufacturer has clearly and conspicuously disclosed to the consumer, in the warranty or owner's manual, that written notification of the nonconformity is required before the consumer may be eligible for



a refund or replacement of the vehicle. The manufacturer shall include with the warranty or owner's manual the name and address to which the consumer shall send such written notification.

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



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

(f) If a motor vehicle has a nonconformity which results in a condition which is likely to cause death or serious bodily injury if the vehicle is driven, it shall be presumed that a reasonable number of attempts have been undertaken to conform such vehicle to the applicable express warranties if the nonconformity has been subject to repair at least twice by the manufacturer or its agents or authorized dealers within the express warranty term or during the period of one year following the date of the original delivery of the motor vehicle to a consumer, whichever period ends first, but such nonconformity continues to exist. The term of an express warranty and such one-year period shall be extended by any period of time during which repair services are not available to the consumer because of war, invasion, strike or fire, flood or other natural disaster.

(g) (1) No motor vehicle which is returned to any person pursuant to any provision of this chapter or in settlement of any dispute related to any complaint made under the provisions of this chapter and which requires replacement or refund shall be resold, transferred or leased in the state without clear and conspicuous written disclosure of the fact that such motor vehicle was so returned prior to resale or lease. Such disclosure shall be affixed to the motor vehicle and shall be included in any contract for sale or lease. The Commissioner of Motor Vehicles shall, by regulations adopted in accordance with the provisions of chapter 54, prescribe the form and content of any such disclosure statement and establish provisions by which the



commissioner may remove such written disclosure after such time as the commissioner may determine that such motor vehicle is no longer defective. (2) [If] For any motor vehicle subject to a complaint made under the provisions of this chapter, if a manufacturer accepts the return of a motor vehicle or compensates any person who accepts the return of a motor vehicle, [pursuant to subdivision (1) of this subsection] whether the return is pursuant to an arbitration award or settlement, such manufacturer shall stamp the words **["MANUFACTURER BUYBACK"]** "MANUFACTURER BUYBACK-LEMON" clearly and conspicuously on the face of the original title in letters at least one-quarter inch high and, within ten days of receipt of the title, shall submit a copy of the stamped title to the Department of Motor Vehicles. The Department of Motor Vehicles shall maintain a listing of such buyback vehicles and in the case of any request for a title for a buyback vehicle, shall cause the words **["MANUFACTURER BUYBACK"]** "MANUFACTURER BUYBACK-LEMON" to appear clearly and conspicuously on the face of the new title in letters which are at least one-quarter inch high. Any person who applies for a title shall disclose to the department the fact that such vehicle was returned as set forth in this subsection. (3) If a manufacturer accepts the return of a motor vehicle from a consumer due to a nonconformity or defect, in exchange for a refund or a replacement vehicle, whether as a result of an administrative or judicial determination, an arbitration proceeding or a voluntary settlement, the manufacturer shall notify the Department of Motor Vehicles and shall provide the department with all relevant information, including the year, make, model, vehicle identification number and prior title number of the vehicle. Such manufacturer shall stamp the words "MANUFACTURER BUYBACK-LEMON" clearly and conspicuously on the face of the original title in letters at least one-quarter-inch high, and, within ten days of receipt of the title, shall submit a copy of the stamped title to the Department of Motor Vehicles. The Commissioner of Motor Vehicles shall adopt regulations in accordance with chapter 54 specifying the format and time period in which such information shall be provided and the nature of any additional information which the commissioner may require. (4) The provisions of this subsection shall apply to motor vehicles originally returned in another state from a consumer due to a nonconformity or defect in exchange for a refund or replacement vehicle and which a lessor or transferor with actual knowledge subsequently sells, transfers or leases in this state. If a manufacturer fails to brand a title pursuant to this subsection within ten days of assuming possession of the motor vehicle or compensating any person who accepts the return, the Department of Consumer Protection may impose on the manufacturer a fine not to exceed ten thousand dollars. Any such fine collected shall be deposited into the new automobile warranties account established pursuant to section 42-190, as amended by this act.



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

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

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

Sec. 4. Section 42-181 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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



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

(c) The Department of Consumer Protection shall investigate, gather and organize all information necessary for a fair and timely decision in each dispute. The commissioner may issue subpoenas on behalf of any arbitrator to compel the attendance of witnesses and the



production of documents, papers and records relevant to the dispute. The department shall forward a copy of all written testimony, including all documentary evidence, to an independent technical expert certified by the National Institute of Automotive Service Excellence or having a degree or other credentials from a nationally recognized organization or institution attesting to automotive expertise, who shall review such material and be available to advise and consult with the arbitrator. An arbitrator shall, as expeditiously as possible, but not later than sixty days after the time the consumer files the complaint form together with the filing fee, render a fair decision based on the information gathered and disclose his or her findings and the reasons therefor to the parties involved. The failure of the arbitrator to render a decision within sixty days shall not void any subsequent decision or otherwise limit the powers of the arbitrator. The arbitrator shall base his or her determination of liability solely on whether the manufacturer has failed to comply with section 42-179, [as amended by this act](#). The arbitration decision shall be final and binding as to the rights of the parties pursuant to section 42-179, [as amended by this act](#), subject only to judicial review as set forth in this subsection. The decision shall provide appropriate remedies, including, but not limited to, one or more of the following:

- (1) Replacement of the vehicle with an identical or comparable new vehicle acceptable to the consumer;
- (2) Refund of the full contract price, plus collateral charges as specified in subsection (d) of section 42-179, [as amended by this act](#);
- (3) Reimbursement for expenses and compensation for incidental damages as specified in subsection (d) of section 42-179, [as amended by this act](#);
- (4) Any other remedies available under the applicable warranties, section 42-179, [as amended by this act](#), this section and sections 42-182 to 42-184, inclusive, or the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, 88 Stat. 2183 (1975), 15 USC 2301 et seq., as in effect on October 1, 1982, other than repair of the vehicle. The decision shall specify a date for performance and completion of all awarded remedies. Notwithstanding any provision of the general statutes or any regulation to the contrary, the Department of Consumer Protection shall not amend, reverse, rescind or revoke any decision or action of an arbitrator. The department shall contact the consumer, within ten business days after the date for performance, to determine whether performance has occurred. The manufacturer shall act



in good faith in abiding by any arbitration decision. In addition, either party to the arbitration may make application to the superior court for the judicial district in which one of the parties resides or, when the court is not in session, any judge thereof for an order confirming, vacating, modifying or correcting any award, in accordance with the provisions of this section and sections 52-417, 52-418, 52-419 and 52-420. Upon filing such application the moving party shall mail a copy of the application to the Attorney General and, upon entry of any judgment or decree, shall mail a copy of such judgment or decree to the Attorney General. A review of such application shall be confined to the record of the proceedings before the arbitrator. The court shall conduct a de novo review of the questions of law raised in the application. In addition to the grounds set forth in sections 52-418 and 52-419, the court shall consider questions of fact raised in the application. In reviewing questions of fact, the court shall uphold the award unless it determines that the factual findings of the arbitrator are not supported by substantial evidence in the record and that the substantial rights of the moving party have been prejudiced. If the arbitrator fails to state findings or reasons for the award, or the stated findings or reasons are inadequate, the court shall search the record to determine whether a basis exists to uphold the award. If it is determined by the court that the manufacturer has acted without good cause in bringing an appeal of an award, the court, in its discretion, may grant to the consumer his costs and reasonable attorney's fees. If the manufacturer fails to perform all awarded remedies by the date for performance specified by the arbitrator, and the enforcement of the award has not been stayed pursuant to subsection (c) of section 52-420, then each additional day the manufacturer wilfully fails to comply shall be deemed a separate violation for purposes of section 42-184. If the manufacturer fails to perform regarding all awarded remedies by the date of performance specified by the arbitrator, and enforcement of the award has not been stayed pursuant to subsection (c) of section 52-240, the department may impose a fine not to exceed one thousand dollars per day until the manufacturer fully performs as specified by the award. Any such fines collected shall be deposited into the new automobile warranties account established pursuant to section 42-190, as amended by this act.

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



section 14-67a. The summary shall be a public record.

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

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

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

[\(h\) After a consumer submits the forms and fee pursuant to subsection \(b\) of this section and until such time that a decision or settlement is rendered, the consumer shall notify any](#)



individual or entity to whom he or she sells the motor vehicle that an action is pending with the department pursuant to this section. Such notice shall be given prior to the buyer's execution of the bill of sale, and shall include any case number or reference number provided by the department to the consumer. The consumer shall (1) notify the department not later than five days after the buyer's execution of the bill of sale that the motor vehicle has been sold, (2) provide the department with the name and contact information of the buyer, and (3) attest that notice of the pending action was given to the buyer prior to the buyer's execution of the bill of sale.

Sec. 5. Section 42-190 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

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



Agency Legislative Proposal - 2021 Session

Document Name: DCP2021LicensingandEnforcement.docx

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

State Agency: Department of Consumer Protection

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Lead agency division requesting this proposal: Investigations and Licensing Divisions

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Licensing and Enforcement

Statutory Reference: CGS Sections 16-50j, 20-500, 20-529, 20-529b, 20-517, 20-295b, 20-292, 20-452, 20-453, 20-457, 20-458, 20-460, 21a-190e, 21a-190f, 21a-190l, 43-8a, 21a-2, 21a-7, 21a-8, 21a-9, 21a-10, 21a-11, 51-164n, 20-672, 20-677, 20-678, 20-330, 20-334, 20-306, 20-314, 20-317, 20-319, 20-427, 21-67, 21-71, 20-678, 20-281c, 20-281d, 20-281k, 20-281l, 20-281m, 20-691

Proposal Summary:

Section 1 amends CGS subsection (g) of section 16-50j to remove the Department of Consumer Protection as one of the agencies with which the Connecticut Siting Council must consult prior to a hearing.

Sections 2, 3, 4 and 5 revise CGS Sections 20-500, 20-529, 20-529b and 20-517 to adopt the recommendations of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, in order to comply with the Uniform Standards of Professional Appraisal Practice, based on their audit of Connecticut General Statutes. The recommendations include revising the definition of appraisal management company (AMC), disclosure of all owners in AMCs, changing continuing education (CE) fee to annual and prohibiting ownership of an AMCE by a person whose appraiser credential has been suspended or revoked in another state.

Section 6 amends CGS Section 20-295b to allow for architects to do interior design work without having to apply of interior design credential (currently, they do not have to pay for the credential).

Section 7 revises CGS Section 20-292 to create fees for architects who fail to take the mandated continuing education requirements.

Section 8 makes a technical change to CGS Section 20-452 to address a notice received by the Department of Emergency Services and Public Safety from the Department of Justice regarding national background checks.



Sections 9, 10, 11 and 12 make technical changes to CGS 20-453, 20-457, 20-458, 20-460 to address drafting errors identified when working to implement sections 19 through 27 of PA 19-177 which amended the community association manager statutes.

Sections 13, 14 and 15 amend CGS Sections 21a-190e, 21a-190f and 21a-190l of the charitable organization statutes to increase the bond amounts required from \$20,000 to \$50,000 for fundraising counsel and paid solicitors, restrict contracts with paid solicitors to five years, and remove restrictive language about when the Commissioner may receive an assurance of voluntary compliance.

Section 16 updates CGS Sec. 43-8a to delete an obsolete reference to the National Institute of Standards and Technology (NIST) Handbook 130.

Sections 17, 18, 19, 20, 21 and 22 revise CGS Sections 21a-2, 21a-7, 21a-8, 21a-9, 21a-10 and 21a-11 to amend several DCP licensing and enforcement statutes to streamline the timing of continuing education requirements so that the completion dates are at least 3 months prior to renewal of a license, address notice requirements, clarify what adequate notice is when provided by the Department, align the credential denial process for all agency credentials, expedite access to administrative hearings for licensees, and allow for the Commissioner to assess fines and to place conditions on credentials.

Section 23 amends CGS Section 51-164n to incorporate the centralized infractions bureau language incorporated in Public Act 19-3 that granted the Department of Consumer Protection authority to issue tickets for \$250.

Sections 24, 25 and 26 amend Sections CGS 20-672 and 20-677 and add new section to make changes to the home companion agency (HCA) statutes to prohibit owners of HCAs or direct caregivers from also serving as a power of attorney for a patient, except family care; allow for HCAs to substitute insurance for bond requirements; and prohibit organizations with medical names.

Section 27 amends CGS Section 20-678 to clarify that HCAs must run state and national background checks before hiring and/or placing a worker in someone's home, makes a technical change to address a notice received by the Department of Emergency Services and Public Safety from the Department of Justice regarding national background checks, and prohibits HCAs from hiring those who were convicted of certain crimes for at least five years.

Sections 28 and 29 amend CGS Section 20-330 and add new section to the occupational and professional licensing statutes to require the name and license number of technicians who perform work contracts and create standards for contracts.

Section 30 amends CGS Section 20-334 to allow occupational and professional licensees to apply for reinstatement immediately after suspension or revocation of their licenses rather than delaying the application period.



Section 31 amends CGS 20-306 to clarify that a license is lapsed if not renewed prior to its expiration.

Sections 32, 33 and 34 amend CGS Sections 20-314, 20-317 and 20-319 to move the real estate broker renewal date to November, remove refundable license fee reference, and "registered or certified mail." Also changes continuing education fee to annual.

Section 35 changes "wilfully" to "willfully" in CGS Subsection (d) of section 20-427.

Section 36 amends CGS Subsection (f) of section 20-427 to establish a March 31st annual renewal date for Home Improvement Contractor Certificates.

Sections 37 and 38 revise CGS Sections 21-67 and 21-71 to allow for inspections of mobile home parks to be conducted throughout the year rather than just prior to renewal, and to strengthen enforcement powers requirement when mobile home park owners are in violation of law.

Sections 39, 40, 41, 42 and 43 amends CGS Chapter 389, Public Accountants, Sections 20-281c, 20-281d, 20-281k, 20-281l and 20-281m. These changes allow for those who have completed the necessary college credits, but have not yet graduated, to apply to take the accountancy exam; require that licenses be renewed online; require that accountants retain records for at least seven years, unless federal law requires a longer period of time; and modify provisions concerning the prohibitions against accepting commissions and contingency fees.

Section 44 makes a technical change to CGS Section 20-691 to address a notice received by the Department of Emergency Services and Public Safety from the Department of Justice regarding national background checks.

PROPOSAL BACKGROUND

Reason for Proposal

Please consider the following, if applicable:

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

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

Have certain constituencies called for this action?

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

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

Origin of Proposal

New Proposal

Resubmission

If this is a resubmission, please share:

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

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

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

What was the last action taken during the past legislative session?



Most of the sections in this proposal were raised in SB 125 during the 2020 Legislative Session, which was favorably reported out of the General Law Committee. The new sections are sections 1, 20, 22 (a), 30 and 38.

PROPOSAL IMPACT

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

Agency Name: None Agency Contact (name, title, phone): Date Contacted: Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

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

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

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



NA

EVIDENCE BASE

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

NA

Insert fully drafted bill here

Section 1. Subsection (g) of section 16-50j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(g) Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the Department of Energy and Environmental Protection, the Department of Public Health, the Council on Environmental Quality, the Department of Agriculture, the Public Utilities Regulatory Authority, the Office of Policy and Management, the Department of Economic and Community Development and the Department of Transportation, and (2) in a hearing pursuant to section 16-50m, for a facility described in subdivision (3) of subsection (a) of section 16-50i, the Department of Emergency Services and Public Protection, [the Department of Consumer Protection,] the Department of Administrative Services and the Labor Department. Copies of such comments shall be made available to all parties prior to the commencement of the hearing. Subsequent to the commencement of the hearing, said departments and council may file additional written comments with the council within such period of time as the council designates. All such written comments shall be made part of the record provided by section 16-50o. Said departments and council shall not enter any contract or agreement with any party to the proceedings or hearings described in this section or section 16-50p that requires said departments or council to withhold or retract comments, refrain from participating in or withdraw from said proceedings or hearings.



Sec. 2. Section 20-500 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

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

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

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

(C) A department or unit of a financial institution subject to regulation by an agency or department of the United States government or an agency of this state that only receives appraisal requests from an employee of such financial institution; or

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

(4) "Appraisal management services" means any of the following:

(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, such appraisers for their participation on such 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, who are independent contractors of an appraisal management company and who have:

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

(B) Been selected and approved by such company.

(6) "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, but may be modified by the commission thereafter, one category denoted as "certified residential appraiser" and another denoted as "certified general appraiser".

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

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

(9) "Compliance manager" means a person who holds an appraiser certification in at least one state and who 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 company holds a license in good standing in accordance with section 20-509;

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

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

(A) Is an owner, officer or director of a partnership, association, limited liability company or corporation 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 contracts or agreements for the performance of appraisal management services or appraisals, or is appointed or authorized by such company to enter into such contracts or agreements; or

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

(11) "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.

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

(13) "Person" means an individual.

(14) "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.

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

(16) "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.

(17) "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.

Sec. 3. Subsection (c) of section 20-529 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

(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.

Sec. 4. Section 20-529b of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No appraisal management company applying for a certificate of registration shall:

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



- (2) Be owned by any partnership, association, limited liability company or corporation [that is more than ten per cent owned by] in which there is an ownership interest 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, as amended by this act. This subsection shall not prohibit an individual who is not so certified from performing job functions that (1) are confined to an examination of an appraisal or an appraisal report for grammatical, typographical or clerical errors, and (2) do not involve the formulation of opinions or comments about (A) the appraiser's data collection, analyses, opinions, conclusions or valuation, or (B) compliance of such appraisal or appraisal report with the USPAP.
- (c) Except in cases of breach of contract or substandard performance of services or where the parties have mutually agreed upon an alternate payment schedule in writing, each appraisal management company operating in this state shall make payment to an appraiser for the completion of an appraisal or valuation assignment not later than forty-five days after the date on which such appraiser transmits or otherwise provides the completed appraisal or valuation study to the appraisal management company or its assignee.
- (d) No employee, owner, controlling person, director, officer or agent of an appraisal



management company shall intentionally influence, coerce or encourage or attempt to influence, coerce or encourage, an appraiser to misstate or misrepresent the value of a subject property, by any means, including:

- (1) Withholding or threatening to withhold timely payment for an appraisal;
 - (2) Withholding or threatening to withhold business from, or demoting, terminating or threatening to demote or terminate, an appraiser;
 - (3) Expressly or impliedly promising future business, promotion or increased compensation to an appraiser;
 - (4) Conditioning an appraisal request or payment of a fee, salary or bonus on the opinion, preliminary estimate, conclusion or valuation to be reached by the appraiser;
 - (5) Requesting that an appraiser provide a predetermined or desired valuation in an appraisal report or estimated values or comparable sales at any time prior to the completion of an appraisal;
 - (6) Providing to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the contract to purchase may be provided;
 - (7) Providing or offering to provide to an appraiser or to any person or entity related to the appraiser stock or other financial or nonfinancial benefits;
 - (8) Removing an appraiser from an appraiser panel without prior written notice to such appraiser as set forth in section 20-529c;
 - (9) Obtaining, using or paying for a subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless (A) there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly noted in such transaction file, or (B) such subsequent appraisal or automated valuation model is performed pursuant to a bona fide prefunding or postfunding appraisal review, loan underwriting or quality control process; or
- (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.

Sec. 5. Subsection (c) of section 20-517 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 6. Section 20-295b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) Any person who, on October 1, 1969, holds a certificate of authority or renewal issued pursuant to sections 20-295 and 20-295a of the general statutes, revised to 1968, shall be entered on the roster of licensed architects and shall thereafter be authorized and entitled to practice architecture in accordance with the provisions of this chapter.

(b) An architect licensed in this state may perform the work of an interior designer, as prescribed in chapter 396a.

Sec. 7. Section 20-292 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(b) Each corporation holding a certificate of authorization for the practice of architecture shall



renew its certificate of authorization for the practice of architecture each year and pay to the department a renewal fee of two hundred twenty dollars.

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

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

(e) For renewal of a license under this section, an applicant shall attest that he or she has completed twelve hours of continuing professional education during the continuing professional education period. The continuing professional education period shall commence three calendar months prior to the credential expiration date and shall run for a period of one calendar year from the date of commencement.

(f) (1) For renewal of a license under this section, the department shall charge the following fees for failure to earn continuing professional education credits by the end of the continuing professional education period:

(A) Three hundred fifteen dollars for reporting on a renewal application a minimum of twelve hours of continuing professional education, any of which was earned up to thirteen weeks following the end of the continuing professional education period;

(B) Six hundred twenty-five dollars for reporting on a renewal application a minimum of twelve hours of continuing professional education, any of which was earned up to twenty-six weeks following the end of the continuing professional education period;

(2) Failure, on the part of a licensee under section 20-292, as amended by this act, to comply with the continuing professional education requirements for more than twenty-six weeks beyond the continuing professional education period may result in the suspension, revocation



or refusal to renew the license by the board or department after an administrative hearing held pursuant to chapter 54.

Sec. 8. Subsection (a) of section 20-452 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Any person seeking a certificate of registration as a community association manager or as a community association manager trainee shall apply to the department in writing, on a form provided by the department. Such application shall include the applicant's name, residence address, business address, business telephone number, a question as to whether the applicant has been convicted of a felony in any state or jurisdiction and such other information as the department may require. Except for a community association manager trainee, any person seeking an initial certificate of registration shall submit to a request by the commissioner for a state and national criminal history records check, to be conducted in accordance with section 29-17a. No registration as a community association manager shall be issued unless the commissioner has received the results of such records check.

Sec. 9. Section 20-453 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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



(c) Prior to any person applying for an initial certificate of registration as a community association manager on or after October 1, 2019, such person shall successfully complete a nationally recognized course on community association management and pass the National Board of Certification for Community Association Managers' Certified Manager of Community Associations examination, or a similar examination as may be prescribed by the Commissioner of Consumer Protection in regulations adopted pursuant to subsection (d) of this section.

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

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

Sec. 10. Section 20-457 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Each community association manager shall (1) exhibit his or her certificate of registration upon request by any interested party, (2) state in any advertisement the fact that he or she is



registered, and (3) include his or her registration number in any advertisement. In the case of a business entity, the advertisement shall identify at least one principal, officer or director of the entity that is a community association manager and shall include the registration number of such principal, officer or director.

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

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

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

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



or department.

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

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

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

Sec. 11. Subsection (b) of section 20-458 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

Sec. 12. Subsection (b) of section 20-460 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) The commercially available insurance policy referred to in subsection (a) of this section shall: (1) Be written by an insurance company authorized to write such policies in this state; (2) except as provided in subsection (c) of this section, cover the maximum funds that will be in the custody of the community association manager at any time while the bond is in force, and in no event be less than the sum of three months' assessments plus reserve funds; (3) name the association as obligee; (4) [cover the community association manager, community association manager trainee and all partners, officers, employees of the community association manager and may cover other persons controlling, collecting, having access to or disbursing association funds as well; (5)] be conditioned upon the persons covered by the policy truly and faithfully accounting for all funds received by them, under their care, custody or control, or to which



they have access; [(6)] (5) provide that the insurance company issuing the policy may not cancel, substantially modify or refuse to renew the policy without giving thirty days' prior written notice to the association and the department, except in the case of a nonpayment of premiums, in which case ten days' prior written notice shall be given; [(7)] and (6) contain such other provisions as the department may, by regulation, require.

Sec. 13. Subsection (b) of section 21a-190e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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



(a) No person shall act as a paid solicitor unless such person has first registered with the department. Registration shall be in a form prescribed by the commissioner, shall be certified by the paid solicitor as true and correct to the best of the solicitor's knowledge and shall be accompanied by a fee in the amount of five hundred dollars. The application shall contain such information as the department shall require. Each registration shall be valid for one year and may be renewed for additional one-year periods.

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

(c) No less than twenty days prior to the commencement of each solicitation campaign, a paid solicitor shall file with the department a copy of the contract described in subsection (d) of this section and shall complete a solicitation notice in a form prescribed by the commissioner. A solicitation notice shall be certified by the paid solicitor as true and correct to the best of the solicitor's knowledge and shall include a description of the solicitation event or campaign, the location and telephone number from which the solicitation is to be conducted, the names and residence addresses of all employees, agents or other persons however styled who are to solicit during such campaign and the account number and location of all bank accounts where receipts from such campaign are to be deposited. Copies of campaign solicitation literature, including the text of any solicitation to be made orally, shall be submitted to the department. The charitable organization on whose behalf the paid solicitor is acting shall certify that the solicitation notice and accompanying material are true and complete. Prior to the commencement of such solicitation campaign, the commissioner shall publicize such solicitation by posting on the department's web site information describing the terms of the contract between the paid solicitor and the charitable organization, the dates of such solicitation campaign and the percentage of the raised funds to be retained by the paid solicitor.



The commissioner may publicize such solicitation through any additional means the commissioner deems appropriate. If a solicitation campaign continues for a period longer than five years, the paid solicitor shall, every five years and by not later than the last day of the month of the submission of the first solicitation notice, complete a new solicitation notice in a form prescribed by the commissioner and shall refile a copy of the contract described in subsection (d) of this section.

(d) A contract between a paid solicitor and a charitable organization shall be in writing, shall clearly state the respective obligations of the paid solicitor and the charitable organization and shall state the minimum amount that the charitable organization shall receive as a result of the solicitation campaign, which minimum amount shall be stated as a percentage of the gross revenue. Such minimum amount shall not include any amount that the charitable organization is to pay as expenses of the solicitation campaign.

(e) A paid solicitor shall, prior to orally requesting a contribution, and at the same time at which a written request for a contribution is made, clearly and conspicuously disclose at the point of solicitation such solicitor's name as on file with the department, the fact that such solicitor is a paid solicitor and the percentage of the gross revenue which the charitable organization shall receive as identified in subsection (d) of this section.

(f) A paid solicitor shall, in the case of a solicitation campaign conducted orally, whether by telephone or otherwise, send a written confirmation to each person who has pledged to contribute, no more than five days after such person has been solicited, which confirmation shall include a clear and conspicuous disclosure of the information required by subsection (e) of this section.

(g) A paid solicitor shall not represent that any part of the contributions received will be given or donated to any charitable organization unless such organization has consented in writing to the use of its name, prior to the solicitation. Such written consent, if given, shall be signed by two authorized officers, directors or trustees of the charitable organization.

(h) No paid solicitor may represent that tickets to an event are to be donated for use by another, unless the paid solicitor has first obtained a commitment, in writing, from a charitable organization stating that it will accept donated tickets and specifying the number of tickets which it is willing to accept and provided no more contributions for donated tickets shall be



solicited than the number of ticket commitments received from the charitable organization.

(i) A paid solicitor shall require any person such solicitor directly or indirectly employs, procures or engages to solicit to comply with the provisions of subsections (e) to (h), inclusive, of this section.

(j) A paid solicitor shall file a financial report for the campaign with the department no more than ninety days after a solicitation campaign has been completed, and on the anniversary of the commencement of any solicitation campaign which lasts more than one year, in a form prescribed by the commissioner. The financial report shall include gross revenue and an itemization of all expenditures incurred. The report shall be completed on a form prescribed by the department. An authorized official of the paid solicitor and two authorized officials of the charitable organization shall certify that such report is true and complete to the best of their knowledge. The information contained in such report shall be available to the public.

(k) A paid solicitor shall maintain during each solicitation campaign and for not less than three years after the completion of each such campaign the following records, which shall be available to the department for inspection upon request: (1) The name and address of each contributor and the date and amount of the contribution, provided the department shall not disclose this information except to the extent necessary for investigative or law enforcement purposes; (2) the name and residence of each employee, agent or other person involved in the solicitation; and (3) records of all income received and expenses incurred in the course of the solicitation campaign.

(l) If a paid solicitor sells tickets to an event and represents that tickets will be donated for use by another, the paid solicitor shall maintain, for not less than three years after the completion of such event, the following records, which shall be available to the department for inspection upon request: (1) The name and address of contributors donating tickets and the number of tickets donated by each contributor; and (2) the name and address of all organizations receiving donated tickets for use by others, including the number of tickets received by each organization.

(m) All funds collected by the paid solicitor shall be deposited in a bank account. The bank account shall be in the name of the charitable organization with whom the paid solicitor has contracted and the charitable organization shall have sole or joint control of the account.



(n) Any material change in any information filed with the department pursuant to this section shall be reported in writing or electronically by the paid solicitor to the department not more than seven days after such change occurs.

(o) No person may act as a paid solicitor if such person, any officer or director thereof, any person with a controlling interest therein, or any person the paid solicitor employs, engages or procures to solicit for compensation, has been convicted by a court of any state or the United States of any felony, or of any misdemeanor involving dishonesty or arising from the conduct of a solicitation for a charitable organization or purpose. Any denial, suspension or revocation of the registration of a paid solicitor based on a violation of this subsection shall be made in accordance with the provisions of section 46a-80.

Sec. 15. Section 21a-190l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

(d) In any action brought under subsection (b) of this section, if the court finds that a person has [wilfully] willfully engaged in conduct prohibited by section 21a-190h, the Attorney General, upon petition to the court, may recover, on behalf of the state, a civil penalty of not



more than two thousand five hundred dollars for each violation. For purposes of this subsection, a [wilful] willful violation occurs when the party committing the violation knew or should have known that such conduct was prohibited by section 21a-190h.

Sec. 16. Section 43-8a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Sec. 17. Section 21a-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(c) For purposes of this section, "credential holder" means a person certified, licensed, permitted or registered with the Department of Consumer Protection. In the event the department provides written notice to a respondent who is not a credential holder that a



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

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

Sec. 18. Subsection (a) of section 21a-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(2) Each board or commission may, in its discretion, issue (A) an appropriate order to any person found to be violating an applicable statute or regulation providing for the immediate discontinuance of the violation, (B) an order requiring the violator to make restitution for any damage caused by the violation, or (C) both. Each board or commission may, through the Attorney General, petition the superior court for the judicial district wherein the violation



occurred, or wherein the person committing the violation resides or transacts business, for the enforcement of any order issued by it and for appropriate temporary relief or a restraining order and shall certify and file in the court a transcript of the entire record of the hearing or hearings, including all testimony upon which such order was made and the findings and orders made by the board or commission. The court may grant such relief by injunction or otherwise, including temporary relief, as it deems equitable and may make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, any order of a board or commission.

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

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

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

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



performance of their duties.

(7) In addition to any other action permitted under the general statutes, each board or commission may, upon a finding of any cause specified in subsection (c) of section 21a-9: (A) Revoke, place conditions upon or suspend a license, registration or certificate; (B) issue a letter of reprimand to a practitioner and send a copy of such letter to a complainant or to a state or local official; (C) place a practitioner on probationary status and require the practitioner to (i) report regularly to the department, board or commission on the matter which is the basis for probation, (ii) limit the practitioner's practice to areas prescribed by the board or commission, or (iii) continue or renew the practitioner's education until the practitioner has attained a satisfactory level of competence in any area which is the basis for probation; or (D) impose a fine not to exceed one thousand dollars per violation. Each board or commission may discontinue, suspend or rescind any action taken under this subsection.

(8) Each examining board within the Department of Consumer Protection or the Commissioner of Consumer Protection shall conduct any hearing or other action required for an application submitted pursuant to section 20-333 and any completed renewal application submitted pursuant to section 20-335 not later than (A) thirty days after the date of submission for such application or completed renewal application, as applicable, or (B) a period of time deemed appropriate by the Commissioner of Consumer Protection, but not to exceed sixty days after such date of submission.

Sec. 19. Subsection (c) of section 21a-8 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

(2) The commissioner may, in the commissioner's discretion, issue an appropriate order to any person found to be violating any statute or regulation within the jurisdiction of such board or commission providing for the immediate discontinuance of the violation or requiring the



violator to make restitution for any damage caused by the violation, or both. The commissioner may, through the Attorney General, petition the superior court for the judicial district in which the violation occurred, or in which the person committing the violation resides or transacts business, for the enforcement of any order issued by the commissioner under this subdivision and for appropriate temporary relief or a restraining order. The commissioner shall certify and file in the court a transcript of the entire record of the hearing or hearings, including all testimony upon which such order was made and the findings and orders made by the commissioner. The court may grant such relief by injunction or otherwise, including temporary relief, as the court deems equitable and may make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, any order of the commissioner issued under this subdivision.

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

(4) In addition to any other action permitted under the general statutes, the commissioner may, upon a finding of any cause specified in subsection (c) of section 21a-9: (A) Revoke, place conditions upon or suspend a license, registration or certificate; (B) issue a letter of reprimand to a practitioner and send a copy of such letter to a complainant or to a state or local official; (C) place a practitioner on probationary status and require the practitioner to (i) report regularly to the commissioner on the matter which is the basis for probation, (ii) limit the practitioner's practice to areas prescribed by the commissioner, or (iii) continue or renew the practitioner's education until the practitioner has attained a satisfactory level of competence in any area which is the basis for probation; or (D) impose a fine of not greater than one thousand dollars per violation. The commissioner may discontinue, suspend or rescind any action taken under this subdivision. If a license, registration or certificate is voluntarily surrendered or is not renewed, the commissioner shall not be prohibited from suspending, revoking or imposing other penalties permitted by law on any such license, registration or certificate.

Sec.20. Section 21a-9 of the general statutes is repealed and the following is substituted in lieu



thereof (*Effective from passage*):

(a) With regard to the boards and commissions within the Department of Consumer Protection, the Commissioner of Consumer Protection (1) shall adopt uniform rules of procedure, consistent with chapter 54, for hearings and other proceedings to be conducted by the boards or commissions or by the commissioner and for the giving of notice to persons affected by such proceedings, and (2) may, where authorized by statute, adopt regulations regarding any subject within the jurisdiction of a board or commission.

(b) Any rules of procedure and regulations adopted pursuant to this section shall be adopted in accordance with chapter 54. No regulation shall be adopted pursuant to this section until the appropriate board or commission has had reasonable opportunity to review the proposed regulation and to offer comments thereon.

(c) Each such board or commission may act in accordance with the provisions of subdivision (7) of section 21a-7, and the commissioner may act in accordance with the provisions of subdivision (4) of subsection (b) of section 21a-8, in the case of a practitioner who: (1) Engages in fraud or material deception in order to obtain a license, registration or certificate issued by the board, commission or commissioner or to aid another in obtaining a license, registration or certificate issued by the board, commission or commissioner; (2) performs work beyond the scope of the license, registration or certificate issued by the board, commission or commissioner; (3) illegally uses or transfers a license, registration or certificate issued by the board, commission or commissioner; (4) performs incompetent or negligent work; (5) makes false, misleading or deceptive representations to the public; (6) has been subject to disciplinary action similar to that specified in subdivision (7) of section 21a-7 or subdivision (4) of subsection (b) of section 21a-8 by a duly authorized professional agency of the United States, any state within the United States, the District of Columbia, a United States possession or territory or a foreign jurisdiction; or (7) violates any provision of the general statutes or any regulation established thereunder, relating to the practitioner's profession or occupation.

(d) In order to ensure compliance with the provisions of the Sherman Act, 15 USC 1 et seq., as amended from time to time, the Commissioner of Consumer Protection shall reject any proposed final decision of a board or commission submitted for the commissioner's approval pursuant to section 21a-7 if the commissioner finds such decision will have an anticompetitive effect.

(e) Upon refusal to issue or renew a certificate, the commissioner shall notify the applicant of the denial and of the applicant's right to request a hearing within ten days from the date of receipt of the notice of denial. If the applicant requests a hearing within such ten days, the



commissioner shall give notice of the grounds for the commissioner's refusal and shall conduct a hearing concerning such refusal in accordance with the provisions of chapter 54 concerning contested cases. If the commissioner's denial of a certificate is sustained after such hearing, an applicant may make new application not less than one year after the date on which such denial was sustained.

[(e)](f) As used in chapters 390, 391, 392, 393, 394, 396, 400g, 400j, 482 and 400l:

(1) "Certificate" includes the whole or part of any Department of Consumer Protection permit which the department issues under authority of the general statutes and which (A) authorizes practice of the profession by certified persons but does not prohibit the practice of the profession by others, not certified, (B) prohibits a person from falsely representing that such person is certified to practice the profession unless the person holds a certificate issued by the department, and (C) requires as a condition of certification that a person submit specified credentials to the department which attest to qualifications to practice the profession.

(2) "License" includes the whole or part of any Department of Consumer Protection permit, approval, or similar form of permission which the department issues under authority of the general statutes and which requires (A) practice of the profession by licensed persons only, (B) demonstration of competence to practice by examination or other means and meeting of certain minimum standards, and (C) enforcement of standards by the department or regulatory board or commission.

(3) "Registration" includes the whole or part of any Department of Consumer Protection permit which the department issues under authority of the general statutes and which (A) requires persons to place their names on a list maintained by the department before they can engage in the practice of a specified profession or occupation, (B) does not require a person to demonstrate competence by examination or other means, and (C) may be revoked or suspended by the commissioner for cause.

Sec. 21. Section 21a-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The Commissioner of Consumer Protection may establish, combine or abolish divisions, sections or other units within the Department of Consumer Protection and allocate powers, duties and functions among such units, but no function vested by statute in any officer, division, board, agency or other unit within the department shall be removed from the jurisdiction of such officer, division, board, agency or other unit under the provisions of this



section.

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

(c) For any Department of Consumer Protection license, certificate, registration or permit that requires the credential holder to complete continuing education requirements, the continuing education requirements shall be completed within the annual or biannual period that begins and ends three months prior to the renewal date for the applicable credential, except for licenses issued pursuant to chapter 400j.

Sec. 22. Section 21a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Consumer Protection may, subject to the provisions of chapter 67, employ such agents and assistants as are necessary to enforce the provisions of the general statutes wherein said commissioner is empowered to carry out the duties and responsibilities assigned to him or his department. For the purpose of inquiring into any suspected violation of such provisions, the commissioner and his deputy and assistants shall have free access, at all reasonable hours, to all places and premises, homes and apartments of private families keeping no boarders excepted. The commissioner and his or her deputy or assistants shall have the authority to issue citations pursuant to section 51-164n for violations for the purpose of enforcing such provisions. The commissioner may delegate his or her authority to render a final decision in a contested case to a hearing officer employed by or contracted by the department.

(b) On the tender of the market price, the commissioner or his deputy may take from any person, firm or corporation samples of any article which he suspects is sold, offered for sale, kept with intent to sell, made or manufactured contrary to any provision of this chapter or



related chapters under the jurisdiction of said commissioner. He may analyze such samples or have them analyzed by a state chemist or by an experiment station or by the laboratories of the Department of Public Health, and a sworn or affirmed certificate by such analyst shall be prima facie evidence of the ingredients and constituents of the samples analyzed. If such analysis shows that any such sample does not conform to the requirements of law, and gives the commissioner or his deputy reasonable grounds for believing that any provision of this chapter or related chapters under his jurisdiction has been violated, he shall cause such violator to be prosecuted. Any person who refuses the access provided for herein to the commissioner, his deputy or assistants, or who refuses to sell the samples provided for herein, shall be guilty of a class D misdemeanor. Evidence of violation of any provision of this section shall be prima facie evidence of wilful violation.

(c) The commissioner may, subject to the provisions of chapter 54, revoke, suspend, [or] place conditions upon, deny or impose a fine of not greater than one thousand dollars per violation with regard to any license or registration issued by the department in the event that such licensee or registrant, including, but not limited to, an owner of any business entity holding such license or registration, owes moneys to any guaranty fund or account maintained or used by the department, including, but not limited to, the Home Improvement Guaranty Fund established pursuant to section 20-432, the New Home Construction Guaranty Fund established pursuant to section 20-417i, the Connecticut Health Club Guaranty Fund established pursuant to section 21a-226, the Real Estate Guaranty Fund established pursuant to section 20-324a and the privacy protection guaranty and enforcement account established pursuant to section 42-472a.

Sec. 23. Subsection (b) of section 51-164n of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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



13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (f) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, subsection (b) of section 20-334, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2, as amended by this act, subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (f) of section 22-61m, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d) of section 26-61, section 26-64, subdivision (1) of section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276,



26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of section 53-344b, or section 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 24. Section 20-672 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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



person for whom homemaker or companion services are provided by the agency, and (4) all records maintained by such agency shall be open, at all reasonable hours, for inspection, copying or audit by the commissioner.

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

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

Sec. 25. Section 20-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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



assignable.

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

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

(g) (1) On or after July 1, 2021, no homemaker-companion agency applying for a new registration shall include in its business name any words that indicate or suggest that such agency provides any services beyond the scope of what is allowed pursuant to this chapter, including, but not limited to, words relating to medical or health care licensure or services, and (2) no homemaker-companion agency shall include in its advertising any words that indicate or suggest that such agency provides any services beyond the scope of what is allowed in this chapter including, but not limited to, words relating to medical or health care licensure or services.

Sec. 26. (NEW) (*Effective from passage*) (a) No person, other than an immediate family member, who has an ownership interest in or who is a corporate officer of a homemaker-companion agency, or any employee or agent thereof, shall act as an agent under a power of attorney for any person contracted with such agency to receive homemaker or companion services. For purposes of this subsection, "immediate family member" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

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

Sec. 27. Section 20-678 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

On or after January 1, 2012, each homemaker-companion agency, prior to extending an offer of employment or entering into a contract with a prospective employee, shall require such prospective employee to submit to a [comprehensive] state and national criminal background



check conducted in accordance with section 29-17a. On or after October 1, 2021, no homemaker-companion agency shall extend an offer of employment or enter into a contract with a prospective employee who, in the last five years, has been released from incarceration after being: (1) Convicted of a criminal offense related to the delivery of an item or service under any state health care program, as defined in 42 USC 1320a-7(h); (2) convicted, under federal or state law, of a criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service; (3) convicted of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility or other financial misconduct, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program operated by or financed, in whole or in part, by any federal, state or local government agency; (4) convicted of a felony, under federal or state law, relating to the unlawful manufacture, distribution, prescription or dispensing of a controlled substance; or (5) the subject of a substantiated finding of neglect, abuse, physical harm or misappropriation of property, the value of which exceeds two thousand dollars, by a state or federal agency. Notwithstanding the five-year look-back limitation, each homemaker-companion agency shall notify, in writing, all individuals receiving services of the agency's comprehensive background check policy and supporting state statute, as well as the individual's right to request and receive a copy of any materials obtained during the criminal background check. If, within the last five years, an applicant has been released from incarceration after being convicted of an offense enumerated in this section, the homemaker-companion agency or the prospective employee may submit a written petition to the commissioner requesting a waiver based on the circumstances of such offense, which may be granted in the sole discretion of the commissioner. In the event such a waiver is granted, the homemaker-companion agency shall provide the waiver approval letter to the individual receiving services, prior to commencing such services. Individuals receiving services shall have the right to request an alternative employee. In addition, each homemaker-companion agency shall require that such prospective employee complete and sign a form which contains questions as to whether the prospective employee was convicted of a crime involving violence or dishonesty in a state court or federal court in any state; or was subject to any decision imposing disciplinary action by a licensing agency in any state, the District of Columbia, a United States possession or territory or a foreign jurisdiction. Any prospective employee who makes a false written statement regarding such prior criminal convictions or disciplinary action shall be guilty of a class A misdemeanor. Each homemaker-companion agency shall maintain a paper or electronic copy of any materials obtained during the comprehensive



background check and shall make such records available for inspection upon request of the Department of Consumer Protection.

Sec. 28. Section 20-330 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this chapter:

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

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

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



work. For the purposes of this subdivision, "process piping" means piping or tubing that conveys liquid or gas that is used directly in the production of a chemical or a product for human consumption;

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

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

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

(7) "Elevator installation, repair and maintenance work" means the installation, erection, maintenance, inspection, testing and repair of all types of elevators, dumb waiters, escalators, and moving walks and all mechanical equipment, fittings, associated piping and wiring from a source of supply brought to the equipment room by an unlimited electrical contractor for all



types of machines used to hoist or convey persons or materials, but does not include temporary hoisting machines used for hoisting materials in connection with any construction job or project, provided "elevator inspection" includes the visual examination of an elevator system or portion of a system, with or without the disassembly or removal of component parts;

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

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

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

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

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

(13) "Sheet metal work" means the onsite layout, installation, erection, replacement, repair or alteration, including, but not limited to, onsite testing and balancing of related life safety components, environmental air, heating, ventilating and air conditioning systems by manipulating, adjusting or controlling such systems for optimum balance performance of any



duct work system, ferrous, nonferrous or other material for ductwork systems, components, devices, air louvers or accessories, in accordance with the State Building Code;

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

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

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

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

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

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

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

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

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



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

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

(24) "Inspection" means the examination of a system or portion of a system, involving the disassembly or removal of component parts of the system; [and]

(25) "Testing" means to determine the status of a system as intended for its use, with or without the disassembly of component parts of the system, by the use of testing and measurement instruments; [.]

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

(27) "Person" means an individual, partnership, limited liability company or corporation; and

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

Sec. 29. (NEW) (*Effective January 1, 2022*) (a) No contract to perform work on a private residence, as defined in section 20-419 of the general statutes, by a contractor licensed pursuant to chapter 393 of the general statutes and any person who owns or controls a business engaged to provide the work or services licensed under the provisions of said chapter by persons licensed for such work shall be valid or enforceable against an owner as defined in section 20-419 of the general statutes unless it: (1) Is in writing; (2) is signed by the owner and the contractor or business; (3)



contains the entire agreement between the owner and the contractor or business; (4) contains the date of the transaction; (5) contains the name and address of the contractor and the contractor's license number or, in the case of a business, the name of the business owner, partner or limited liability member, and the phone number, and address of the business, partnership or limited liability company; (6) contains the name and license number of the licensees performing the work, provided the name and license number of the licensees may be amended in writing during the contract; (7) contains a notice of the owner's cancellation rights in accordance with the provisions of chapter 740 of the general statutes; and (8) contains a starting date and completion date.

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

Sec. 30. Subsection (c) of section 20-334 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Commissioner of Consumer Protection and each board established under section 20-331 may suspend or revoke any license or certificate granted or issued by it under this chapter if the holder of such license or certificate is convicted of a felony, is grossly incompetent, engages in malpractice or unethical conduct or knowingly makes false, misleading or deceptive representations regarding his work or violates the regulations adopted under this chapter. Before any such license is suspended or revoked, such holder shall be given notice and opportunity for hearing as provided in regulations adopted by the Commissioner of Consumer Protection. Any person whose license has been suspended or revoked may, [after] within ninety days, apply to the board demonstrating good cause to have such license reinstated. Any such suspension or revocation of a license or certification by the board shall be a proposed final decision and submitted to the commissioner in accordance with the provisions of subsection (b) of section 21a-7.

Sec. 31. Subsection (a) of section 20-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) The Department of Consumer Protection shall notify each person licensed under this chapter of the date of the expiration of such license and the amount of the fee required for its



renewal for one year. Such license renewals shall be accompanied by the payment of the professional services fee for class G, as defined in section 33-182l, in the case of a professional engineer license, a professional engineer and land surveyor combined license, or a land surveyor license. The license shall be considered lapsed if not renewed [within thirty days following the normal] on or before the expiration date.

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

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

Sec. 32. Subsection (f) of section 20-314 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) All licenses issued under the provisions of this chapter shall expire annually. At the time of application for a real estate broker's license, there shall be paid to the commission, for each individual applicant and for each proposed active member or officer of a firm, partnership, association or corporation, the sum of five hundred sixty-five dollars, and for the annual renewal thereof, the sum of three hundred seventy-five dollars, [and] except that for licenses expiring on March 31, 2021, a prorated renewal fee shall be charged to reflect the fact that the March 2021 renewal will expire on November 30, 2021. At the time of application for a real estate salesperson's license, there shall be paid to the commission two hundred eighty-five dollars and for the annual renewal thereof the sum of two hundred eighty-five dollars. Three dollars of each such annual renewal fee shall be payable to the Real Estate Guaranty Fund established pursuant to section 20-324a. [If a license is not issued, the fee shall be returned.] A real estate broker's license issued to any partnership, association or corporation shall entitle the individual designated in the application, as provided in section 20-312, upon compliance



with the terms of this chapter, but without the payment of any further fee, to perform all of the acts of a real estate broker under this chapter on behalf of such partnership, association or corporation. Any license which expires and is not renewed pursuant to this subsection may be reinstated by the commission, if, not later than two years after the date of expiration, the former licensee pays to the commission for each real estate broker's license the sum of three hundred seventy-five dollars and for each real estate salesperson's license the sum of two hundred eighty-five dollars for each year or fraction thereof from the date of expiration of the previous license to the date of payment for reinstatement, except that any licensee whose license expired after such licensee entered military service shall be reinstated without payment of any fee if an application for reinstatement is filed with the commission within two years after the date of expiration. Any such reinstated broker license shall expire on the next succeeding [March thirty-first for real estate brokers or] November thirtieth, except that any broker license that is reinstated before March 31, 2021, shall expire on March 31, 2021. Any such reinstated real estate sales person license shall expire the next succeeding May thirty-first. [for real estate salespersons.]

Sec. 33. Subsection (b) of section 20-317 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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



pleading to the out-of-state defendant.

Sec. 34. Subsection (b) of section 20-319 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Sec. 35. Subsection (d) of section 20-427 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) The commissioner may, after notice and hearing in accordance with the provisions of chapter 54, impose a civil penalty on any person who engages in or practices the work or occupation for which a certificate of registration is required by this chapter without having first obtained such a certificate of registration or who [wilfully] willfully employs or supplies for employment a person who does not have such a certificate of registration or who [wilfully] willfully and falsely pretends to qualify to engage in or practice such work or occupation, or



who engages in or practices any of the work or occupations for which a certificate of registration is required by this chapter after the expiration of such person's certificate of registration or who violates any of the provisions of this chapter or the regulations adopted pursuant thereto. Such penalty shall be in an amount not more than five hundred dollars for a first violation of this subsection, not more than seven hundred fifty dollars for a second violation of this subsection occurring not more than three years after a prior violation, not more than one thousand five hundred dollars for a third or subsequent violation of this subsection occurring not more than three years after a prior violation and, in the case of radon mitigation work, such penalty shall be not less than two hundred fifty dollars. Any civil penalty collected pursuant to this subsection shall be deposited in the consumer protection enforcement account established in section 21a-8a.

Sec. 36. Subsection (f) of section 20-427 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) All certificates issued under the provisions of this chapter shall expire annually on March thirty-first, except that certificates which expire on November 30, 2020, shall be renewed on November 30, 2020, and will expire on March 31, 2021. The fee for renewal of a certificate shall be the same as the fee charged for an original application, except that for certificates which expire on March 31, 2021, a prorated renewal fee shall be charged to reflect the portion of the year for which the certificate will be active.

Sec. 37. Subsection (d) of section 21-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

Sec. 38. Section 21-71 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Sec. 21-71. Revocation, suspension or refusal to renew license for violation. Fine. Remedies available to residents. (a) The department may revoke, suspend, place conditions on, or refuse



to renew any license to operate a mobile manufactured home park for a violation of any provision of this chapter or any regulations issued hereunder or any other state or local law or regulation, after hearing, except that if the department upon investigation finds a licensee is not providing adequate sewerage facilities, electrical, plumbing or sanitary services, water supply or fire protection, suspension of the license shall be automatic, provided such licensee shall be entitled to a hearing before the department within ~~[five]~~30 days after such suspension. A license may be reinstated or reissued if the circumstances leading to the violation have been remedied and the park is being maintained and operated in full compliance with this chapter and the regulations hereunder. Each officer, board, commission or department of the state or any local government shall assist the department with technical data on sewerage facilities, electrical, plumbing or sanitary services, water supply or fire protection and shall submit such data to the department for the department's use in any hearing held pursuant to this section. In addition to revoking, suspending, placing conditions on, or refusing to renew any license to operate a mobile manufactured home park, the department may impose a fine after an administrative hearing of not less than fifty nor more than three hundred dollars for each day that such violation ~~[continues]~~exists. In connection with any investigation the Commissioner of Consumer Protection or the commissioner's authorized agent may administer oaths, issue subpoenas, compel testimony and order the production of books, records and documents. [The commissioner may issue an appropriate order to any owner found to be in violation of any provision of this chapter or any regulation issued hereunder, providing for the immediate discontinuance of the violation.]Each owner shall retain all leases, disclosure statements, rules and regulations required under this chapter for at least four years after any resident to whom they relate vacates the park.

(b) If an inspection by the department reveals a violation of any provision of this chapter or any regulation issued hereunder, 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. As part of an inspection or investigation, the department may order an owner of a mobile manufactured 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.

[(b)](c) In addition to any other available remedies, the provisions of section 47a-14h shall be available to all residents in a mobile manufactured home park including residents who own their own units.



(d) The department may issue an order to any owner determined to be in violation of any provision of this chapter or any regulation issued hereunder after an inspection of a park, providing for the immediate discontinuance of the violation or timely remediation of such violation. Any owner of a mobile manufactured park that fails to comply with orders in a notice of violation resulting from a reinspection of a park within 30 thirty days of issuance of such notice, including confirmation of active licensure, may be fined by the Commissioner of Consumer Protection pursuant to section 51-164n of the general statutes \$500 dollars per violation.

Sec. 39. Subsection (c) of section 20-281c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

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

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

Sec. 40. Section 20-281d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) The board shall issue or renew licenses to persons who make application and demonstrate their qualifications in accordance with subsections (b) to (g), inclusive, of this section.

(b) Licenses shall be initially issued for one year and renewed annually. Applications for such



licenses shall be made in such form, and in the case of applications for renewal, between such dates, as the board shall by regulation adopted in accordance with the provisions of chapter 54 specify.

(c) An applicant for initial issuance of a license under this section shall show:

(1) That [he] such applicant holds a valid certificate;

(2) If the applicant's certificate was issued more than four years prior to his or her application for issuance of an initial license under this section, that he or she has fulfilled the requirements of continuing professional education that would have been applicable under subsection (e) of this section if he or she had secured his or her initial license within four years of issuance of his or her certificate and was now applying under subsection (e) of this section for renewal of such license.

(d) The board shall issue a certificate to a holder of a certificate issued by another state upon a showing that:

(1) The applicant passed the examination required for issuance of his or her certificate with grades that would have been passing grades at the time in this state; and

(2) The applicant meets all current requirements in this state for issuance of a certificate at the time the application is made; or the applicant, at the time of the issuance of the applicant's certificate in the other state, met all such requirements then applicable in this state; or the applicant has had five years of experience in the practice of public accountancy no earlier than the ten years immediately preceding the applicant's application or meets equivalent requirements prescribed by the board by regulation.

(e) For renewal of a license under this section, an applicant shall show that he or she has completed forty hours of continuing professional education during each year from the date of issuance or last renewal. A renewal applicant who has a principal place of business outside of this state may show compliance with the provisions of this subsection by certifying in writing that he or she has completed the continuing professional education requirements in the state of the applicant's principal place of business during each year from the date of his or her license issuance or last renewal. The board may prescribe, by regulation adopted in accordance with the provision of chapter 54, the content, duration and organization of continuing professional



education courses which contribute to the general professional competence of the applicant.

(f) For renewal of a license under this section, the board shall charge the following fees for failure to earn continuing education credits by the June thirtieth deadline:

(1) Three hundred fifteen dollars for reporting on a renewal application a minimum of forty hours of continuing professional education, any of which was earned after June thirtieth and on or by September thirtieth;

(2) Six hundred twenty-five dollars for reporting on a renewal application a minimum of forty hours of continuing professional education any of which was earned after June thirtieth and on or by December thirty-first.

(g) The board shall charge a fee of one hundred fifty dollars for the initial issuance and the professional services fee for class I, as defined in section 33-182l, for each annual renewal of such license.

(h) Applicants for initial issuance or renewal of licenses under this section shall in their applications list all states in which they have applied for or hold certificates or licenses, and each holder of or applicant for a license under this section shall notify the board in writing, within thirty days after its occurrence, of any issuance, denial, revocation or suspension of a certificate or license by another state.

(i) The board shall administer an online renewal system for licenses renewed pursuant to this section. Each applicant for renewal pursuant to this section shall use such online renewal system and shall pay the applicable renewal fee using a credit card or via electronic funds transfer from a bank or credit union account. A licensee may request a waiver of such renewal requirements due to extenuating circumstances and the board may allow such licensee to renew his or her license using a paper form.

Section 41. Subsection (c) of section 20-281k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) [Nothing in this section shall require a licensee to keep any workpaper beyond the period prescribed in any other applicable statute, except that any] A licensee shall ensure that any work product and workpaper created in the performance of an engagement for a client are



retained for not less than seven years after creation of such work product and workpaper, unless the licensee is required by law to retain such records for a longer period. Any work product or workpaper prepared by a licensee in the course of an audit of a corporation the securities of which are registered under Section 12 of the Securities Exchange Act of 1934, as from time to time amended, or that is required to file reports under Section 15(d) of the Securities Exchange Act of 1934, as from time to time amended, shall be retained for the period described in section 33-1332.

Sec. 42. Section 20-281l of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

[(a) Except as expressly permitted by this section, a licensee shall not: (1) Pay a fee or commission to obtain a client; or (2) accept a fee or commission for referring a client to the products or services of a third party.

(b) A licensee, who is not performing any of the services set forth in subsection (c) of this section and who complies with the provisions of subsection (d) of this section, may accept a fee or commission for referring a client to the products or services of a third party if such referral is made in conjunction with professional services provided to the client by such licensee making such referral. Nothing in this subsection shall be construed to permit the solicitation or acceptance of a fee or commission solely for the referral of a client to a third party.]

[(c)] (a) A licensee shall not [perform services for] recommend or refer any product or service to a client for a commission and shall not accept a commission from a client during the period that the licensee is performing for such client any of the following services or during the period that is covered by any historical financial statements that are involved in any of the following services: (1) An audit or review of a financial statement; (2) a compilation of a financial statement if the licensee expects or [has reasonable cause to] might reasonably expect that a



third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or (3) an examination of prospective financial information. [(d)] (b) A licensee who is not prohibited under this section from performing services for a [fee or] commission or from accepting a [fee or] commission and who is paid or expects to be paid a [fee or] commission shall disclose such payment or expectation to any [client or other] person or entity to whom such licensee recommends or refers a product or service to which the [fee or] commission relates.

[(e) As used in this section, "fee" includes, but is not limited to, a commission, rebate, preference, discount or any other consideration.

(f) This section does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or retirement payments to individuals who are or were formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such individuals.

(g) Nothing in this section shall be construed to relieve a licensee from any requirement under federal or state law that obligates such licensee to obtain a license or authorization prior to referring a client to the products or services of a third party, including, but not limited to, any license requirements under federal or state securities or insurance laws.]

Sec. 43. Section 20-281m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) A licensee shall not, during any period in which the licensee is engaged to perform any of the services listed in this subsection or during any period covered by any historical financial services involved in any of such services: (1) Perform for a contingent fee any of the following professional services, or accept a contingent fee from a client for whom the licensee or the licensee's firm performs any of the following services: (A) An audit or review of a financial statement; (B) a compilation of a financial statement if the licensee expects or has reasonable cause to expect that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; or (C) an examination of prospective financial information, or (2) prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client.

(b) As used in this section, "contingent fee" means a fee established for the performance of a service that will not be charged unless a specified finding or result is attained or in which the



amount of the fee is dependent on a specified finding or result of such service. "Contingent fee" does not include: (1) A fee fixed by courts or other [public] governmental authorities; (2) a fee in a tax matter that is based on the results of judicial proceedings or the findings of governmental agencies; or (3) a fee that varies based solely on the complexity of the services rendered.

[(c) A contingent fee arrangement between a licensee and a client shall be in writing and shall state the method by which the fee is determined.]

Sec. 44. Subsection (b) of section 20-691 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) A person seeking registration as a locksmith shall apply to the commissioner on a form provided by the commissioner. The application shall include the applicant's name, residence address, business address, business telephone number, a question as to whether the applicant has been convicted of a felony in any state or jurisdiction, and such other information as the commissioner may require. The applicant shall submit to a request by the commissioner for a [recent] state and national criminal history records check conducted pursuant to section 29-17a. No registration shall be issued unless the commissioner has received the results of a such records check. In accordance with the provisions of section 46a-80 and after a hearing held pursuant to chapter 54, the commissioner may revoke, refuse to issue or refuse to renew a registration when an applicant's criminal history records check reveals the applicant has been convicted of a crime of dishonesty, fraud, theft, assault, other violent offense or a crime related to the performance of locksmithing.

(2) The application fee for registration as a locksmith and the biennial renewal fee for such registration shall be two hundred dollars.

(3) The department shall establish and maintain a registry of locksmiths. The registry shall contain the names and addresses of registered locksmiths and such other information as the commissioner may require. Such registry shall be updated at least annually by the department, be made available to the public upon request and be published on the department's Internet web site.

(4) No person shall engage in locksmithing, use the title locksmith or display or use any words, letters, figures, title, advertisement or other method to indicate said person is a locksmith



unless such person has obtained a registration as provided in this section.

(5) The following persons shall be exempt from registration as a locksmith, but only if the person performing the service does not hold himself or herself out to the public as a locksmith:

(A) Persons employed by a state, municipality or other political subdivision, or by any agency or department of the government of the United States, acting in their official capacity; (B) automobile service dealers who service, install, repair or rebuild automobile locks; (C) retail merchants selling locks or similar security accessories or installing, programming, repairing, maintaining, reprogramming, rebuilding or servicing electronic garage door devices; (D) members of the building trades who install or remove complete locks or locking devices in the course of residential or commercial new construction or remodeling; (E) employees of towing services, repossessioners, or an automobile club representative or employee opening automotive locks in the normal course of his or her business. The provisions of this section shall not prohibit an employee of a towing service from opening motor vehicles to enable a vehicle to be moved without towing, provided the towing service does not hold itself out to the public, by directory advertisement, through a sign at the facilities of the towing service or by any other form of advertisement, as a locksmith; (F) students in a course of study in locksmith programs approved by the department; (G) warranty services by a lock manufacturer or its employees on the manufacturer's own products; (H) maintenance employees of a property owner or property management companies at multifamily residential buildings, who service, install, repair or open locks for tenants; and (I) persons employed as security personnel at schools or institutions of higher education who open locks while acting in the course of their employment.



Agency Legislative Proposal - 2021 Session

Document Name: DCP2021LiquorControl.docx

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

State Agency: Department of Consumer Protection

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Lead agency division requesting this proposal: Liquor Control

Agency Analyst/Drafter of Proposal: Leslie O'Brien

Title of Proposal: An Act Concerning Minor and Technical Revisions to the Liquor Control Act

Statutory Reference: Public Act No. 19-24 sections 3, , Sections 30-7, 30-8, 30-17, 30-33, 30-36, 30-37, 30-39, 30-47, 30-51, 30-55, 30-56, 30-61,30-64b, 30-67, 30-68n, 30-74, 30-86, 30-93a and 30-113.

Proposal Summary:

Sections 1 through 25 make minor, technical and conforming changes to the Liquor Control Act associated with the substantive changes passed in Public Act No. 19-24. Specifically, these sections: amend the definition of "dining room;" delete a reference to barroom partitions, and clarify that minors may not sit or stand at a bar without being accompanied by a parent or guardian; delete references to permits such as railroad, golf, coliseum concession, and bowling establishment permits that no longer exist; delete and insert statutory cites, and newly defined terms such as "family brand" where necessary; clarify that the sale or dispensing of liquor for off-premise consumption, including by a manufacturer permit for beer, cannot occur on Thanksgiving, Christmas and New Year's Day; and delete 30-91a(c) which is obsolete.

Section 26 updates CGS Section 30-7 to remove the requirement that the Department publish, biennially and in pamphlet form, the regulations for the Liquor Control Act and furnish copies upon request. Maintains the requirement that the regulations be posted on the DCP website.

Section 27 amends CGS Section 30-8 to remove shorter deadlines for investigation disclosure consistent with CUTPA and FOIA.

Section 28 allows wholesaler permittees to offer industry members and its own staff free samples that it distributes for tasting on the wholesaler's premises.



Section 29 amends 30-33 to allow for two drink sale with concession permit, to be consistent with changes made to all other like venues permits in PA 19-24.

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

Section 31 makes a minor update to CGS Section 30-36, the druggist permit, to allow for delivery.

Section 32 makes a minor update to CGS Section 30-37, sales on prescriptions, by removing a reference to the Commission of Pharmacy and inserting the Department of Consumer Protection.

Section 33 amends CGS Section 30-37j to reaffirm that a caterer liquor permit may sell and serve alcoholic liquor for on-premise consumption with or without food, but that the permit may not be used in lieu of a restaurant permit.

Section 34 revises CGS Section 30-39 to reduce the amount of unnecessary paper retained by the Liquor Control Division by allowing the division to return applications where no action has occurred in 12 months.

Section 35 updates CGS Section 30-47 and fixes the misspelling of "willfully."

Section 36 amends CGS Section 30-51 to change "sworn" to "affirmed."

Section 37 revises CGS Section 30-55 to clarify that fines on a permit are per violation and that the appeals of fines and conditions on permits shall be in accordance with the UAPA (CGS Section 4-183).

Section 38 updates CGS Section 30-56 to clarify that final decisions to suspend or revoke permits are under the UAPA (CGS Section 4-183) and that said decisions are immediately effective.

Section 39 amends CGS Section 30-59 to allow for notices of decision of any revocation or suspension of any a permit to be posted on the Department's website.

Section 40 updates CGS Section 30-61 by removing "secretary of the commission," a position which no longer exists.

Section 41 revises CGS Section 30-64b to clarify that CUTPA can be used in cases of unfair pricing, which is already legally permissible and current practice.



Sections 42 amends CGS Section 30-67, which addresses Liquor Control penalties, to conform with CGS Section 30-55, revocation and suspension of permits.

Sections 43 and 44 amend CGS Sections 30-68n and 30-74, both changes clarify current practice. Section 43 makes it clear that merchandise, novelties and other items are not permissible manufacturer's rebates and that permittees cannot require the purchase of liquor in order to receive merchandise, novelties and other items; and section 44 spells out that drive-up parking spots cannot be utilized to deliver liquor that was purchased through the Internet or any other on-line computer network.

Sections 45, 46 and 47 amend CGS Sections 30-86, Sale or delivery to minors, intoxicated persons and habitual drunkards, 30-93a, Regulations of shipments into the state, and 30-113, Penalties, to conform with CGS Section 30-55, revocation and suspension of permits.

Section 48 amends CGS Subsection 30-22(m) to allow for café permits to be issued to any higher education institution, not just to the The University of Connecticut Board of Trustees, or to an institution of higher education with a golf course or that abuts a golf course.

Section 49 amends the CGS Section 30-18 to allow out-of-state shippers of alcoholic liquor to sell to manufacturers and wholesaler permittees outside of Connecticut.

Section 50 adds a new section clarifying that package store permittees can sell to consumers outside of Connecticut subject to the laws of the jurisdictions in which they are selling.

Section 51 allows for all on-premise permittees to sell two drinks at a time.

Section 52 repeals CGS Sections 30-6c and 30-58b which are now obsolete.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

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

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



◇ **Origin of Proposal** **New Proposal** **Resubmission**

If this is a resubmission, please share:

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

Except for sections 48 through 50, this proposal was raised during the 2020 Legislative Session, HB 5173, which the General Law Committee favorably reported, unanimously, out of committee.

PROPOSAL IMPACT

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

Agency Name: None

Agency Contact (name, title, phone):

Date Contacted:

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

Summary of Affected Agency's Comments

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

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

Municipal *(please include any municipal mandate that can be found within legislation)*

None

State

None

Federal

None

Additional notes on fiscal impact

NA



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

NA

◇ **EVIDENCE BASE**

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

NA

[Insert fully drafted bill here](#)

AN ACT CONCERNING MINOR AND TECHNICAL REVISIONS TO THE LIQUOR CONTROL ACT.

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

Section 1. Section 30-1 of the 2020 supplement to the general statutes, as amended by section 3 of public act 19-24, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

For the interpretation of this chapter, unless the context indicates a different meaning:

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

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



is considered nonpotable.

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

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

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

(6) (A) "Case price" means the price of a container of cardboard, wood or other material, containing units of the same size and class of alcoholic liquor, and (B) a case of alcoholic liquor, other than beer, cordials, cocktails, wines and prepared mixed drinks, shall be in the number and quantity, or fewer, with the permission of the Commissioner of Consumer Protection, of units or bottles as follows: (i) Six one thousand seven hundred fifty milliliter bottles; (ii) twelve one liter bottles; (iii) twelve seven hundred fifty milliliter bottles; (iv) twenty-four three hundred seventy-five milliliter bottles; (v) forty-eight two hundred milliliter bottles; (vi) sixty one hundred milliliter bottles; or (vii) one hundred twenty fifty milliliter bottles, except a case of fifty milliliter bottles may be in a number and quantity as originally configured, packaged and sold by the manufacturer or out-of-state shipper prior to shipment, provided such number of bottles does not exceed two hundred. The commissioner shall not authorize fewer numbers or quantities of units or bottles as specified in this subdivision for any one person or entity more than eight times in any calendar year. For the purposes of this subdivision, "class" has the same meaning as defined in 27 CFR 5.22 for spirits, as defined in 27 CFR 4.21 for wine, and as defined in 27 CFR 7.24 for beer.



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

(8) "Coliseum" means a coliseum as defined in section 30-33a.

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

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

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

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

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

(14) "Dining room" means a room or rooms in premises operating under a hotel permit, hotel beer permit, restaurant permit, restaurant permit for beer or cafe permit issued pursuant to subsections (j) and (k) of section 30-22a, where meals are customarily served, within the room or rooms, to any member of the public who has means of payment and proper demeanor.

(15) "Restaurant" means a restaurant as defined in section 30-22.

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

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



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

Sec. 2. Section 30-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 3. Section 30-13a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 4. Section 30-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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



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

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

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

Sec. 5. Subsection (b) of section 30-22c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 6. Section 30-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Spouses of members of any club or golf country club which holds a permit under [the provisions of this chapter] subsection (g) or (h) of section 30-22a may be allowed to participate



in all of the privileges of said club or golf country club, by vote of said members, and shall not be considered guests for purposes of the general statutes or regulations of the Department of Consumer Protection.

Sec. 7. Section 30-24b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 8. Section 30-25 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

Sec. 9. Section 30-25a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):



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

Sec. 10. Section 30-37f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

Sec. 11. Section 30-38 of the general statutes is repealed and the following is substituted in



lieu thereof (*Effective July 1, 2021*):

Each permit granted under the provisions of [section] sections 30-16, 30-17, as amended by this act, 30-20, [30-20a,] 30-21, 30-21b, 30-22, 30-22a, [30-23, 30-24a, 30-26, 30-28,] 30-28a, [30-29,] 30-33a [30-33b,] and 30-36, as amended by this act, [30-37c or 30-37e,] shall also, under the regulations of the Department of Consumer Protection, allow the storage, on the premises and at one other secure location registered with and approved by the department, of sufficient quantities of alcoholic liquor respectively allowed to be sold under such permits as may be necessary for the business conducted by the respective permittees or their backers; but no such permit shall be granted under the provisions of section 30-16 or 30-17, as amended by this act, unless such storage facilities are provided and the place of storage receives the approval of the department as to suitability, and thereafter no place of storage shall be changed nor any new place of storage utilized without the approval of the department.

Sec. 12. Subsection (b) of section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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



compliance, the department may hold a hearing as to the suitability of the proposed location. The provisions of this subdivision shall not apply to applications for airline permits, charitable organization permits, temporary permits, special club permits, concession permits, military permits, [railroad permits, boat permits] cafe permits issued pursuant to subsections (j) and (k) of section 30-22a, warehouse permits, brokers' permits, out-of-state shippers' permits for alcoholic liquor and out-of-state shippers' permits for beer, coliseum permits, coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, nonprofit golf tournament permits, nonprofit public television permits and renewals. The provisions of this subdivision regarding publication and placard display shall also be required of any applicant who seeks to amend the type of entertainment either upon filing of a renewal application or upon requesting permission of the department in a form that requires the approval of the municipal zoning official.

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

Sec. 13. Section 30-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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



defined in section 30-1, as amended by this act, whichever age is older.

Sec. 14. Section 30-46 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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



Consumer Protection in its discretion.]

Sec. 15. Section 30-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 16. Section 30-48 of the 2020 supplement to the general statutes, as amended by section 16 of public act 19-24, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No backer or permittee of one permit class shall be a backer or permittee of any other permit class except in the case of [any class of airport, railroad, airline and boat permits,] cafe permits issued pursuant to subsections (d), (j) and (k) of section 30-22a and except that: (1) A backer of a hotel or restaurant permit may be a backer of both such classes; (2) a holder or backer of a restaurant permit or a cafe permit issued pursuant to 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 may be a holder or backer of a [bowling establishment] cafe permit issued pursuant to subsection (f) of section 30-22a; (4) a backer of a restaurant permit may be a backer of a coliseum permit [or a coliseum concession permit, or both,] when such restaurant is within a coliseum; (5) a backer of a hotel permit may be a backer of a coliseum permit; [or a coliseum concession permit, or both; (6) a backer of a coliseum permit may be a backer of a coliseum concession permit; (7) a backer of a coliseum concession permit may be a backer of a coliseum permit; (8)] (6) a backer of a grocery store beer permit may be a backer of a package store permit if such was the case on or before May 1, 1996; [(9)] (7) a backer of a [university] cafe permit issued pursuant to subsection (m) of section 30-22a may be a backer of a nonprofit theater permit; [(10)] (8) a backer of a nonprofit theater permit may be a holder or backer of a hotel permit; [(11) a holder or backer of a restaurant permit may be a holder or backer of a special outing facility permit; (12)] (9) a backer of a concession permit may be a backer of a coliseum permit; [or a coliseum concession permit, or both; (13)] (10) a holder of an out-of-state winery shipper's permit for wine may be a holder of an in-state transporter's permit or an out-of-state entity wine festival permit issued pursuant to section 30-37m, or of both such permits; [(14)] (11) a holder of an out-of-state shipper's permit for alcoholic liquor other than beer may be a



holder of an in-state transporter's permit; [(15)] (12) a holder of a manufacturer permit for a farm winery or the holder of a manufacturer permit for wine, cider and mead may be a holder of an in-state transporter's permit, a wine festival permit issued pursuant to section 30-37l, a farmers' market sales permit issued pursuant to subsection (a) of section 30-37o, an off-site farm winery sales and tasting permit issued pursuant to section 30-16a or of any combination of such permits; [(16)] (13) a holder of a manufacturer permit for beer may be a holder of a farmers' market sales permit issued pursuant to section 30-37o; [. Any person may be a permittee of more than one permit; and (17)] and (14) the holder of a manufacturer permit for spirits, a manufacturer permit for beer, a manufacturer permit for a farm winery or a manufacturer permit for wine, cider and mead may be a holder of a Connecticut craft cafe permit, a restaurant permit or a restaurant permit for wine and beer. Any person may be a permittee of more than one permit. No holder of a manufacturer permit for a brew pub and no spouse or child of such holder may be a holder or backer of more than three restaurant permits or cafe permits.

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



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



department may revoke or suspend any permit for a violation of this section. An appeal from an order of revocation or suspension issued in accordance with this section may be taken in accordance with section 30-60.

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

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

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

Sec. 17. Subsection (c) of section 30-48a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):



(c) Membership in any organization which is or may become the holder of a [club] cafe permit issued pursuant to subsection (h) of section 30-22a shall not constitute acquisition of an interest in a retail permit.

Sec. 18. Section 30-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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



premises operating under a restaurant permit, which premises are located in or attached to a motel, and shall not apply to any entrance to a building in which is located premises operating under a tavern permit, which entrance opens into the rear or side yard of such tavern premises and is used solely as an emergency exit or for the delivery of goods to, or carrying or conveying goods from, any permit premises.]

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

Sec. 19. Section 30-53 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 20. Section 30-54 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 21. Subsection (b) of section 30-68l of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) Subject to prior approval from the manufacturer or out-of-state shipper, a wholesaler may sell to a retail licensee a [nonuniform] family brand case, containing bottles only of one family brand, as defined in subsection (d) of section 30-63. Wholesalers who do not hold



exclusive rights to a given brand trademark may also sell to a retail licensee a [nonuniform] family brand case containing bottles only of one family brand, provided all of the bottles in such [nonuniform] family brand case are available to all nonexclusive wholesalers who also have rights to the given brand trademarks. [For purposes of this subsection, "family brand" means a group of different products belonging to a single brand that are marketed under a parent brand.]

Sec. 22. Section 30-81 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 23. Section 30-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 24. Section 30-91 of the 2020 supplement to the general statutes, as amended by section 17 of public act 19-24, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The sale or the dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of alcoholic liquor by an individual in places operating



under hotel permits, restaurant permits, cafe permits, Connecticut craft cafe permits, restaurant permits for catering establishments, [bowling establishment permits, racquetball facility permits, club permits,] coliseum permits, [coliseum concession permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, golf country club permits,] nonprofit public museum permits, [university permits, airport restaurant permits, airport bar permits, airport airline club permits, tavern permits,] manufacturer permits for beer, casino permits, caterer liquor permits and charitable organization permits shall be unlawful on: (1) Monday, Tuesday, Wednesday, Thursday and Friday between the hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday between the hours of two o'clock a.m. and ten o'clock a.m.; (4) Christmas, except (A) for alcoholic liquor that is served where food is also available during the hours otherwise permitted by this section for the day on which Christmas falls, and (B) by casino permittees at casinos, as defined in section 30-37k; and (5) January first between the hours of three o'clock a.m. and nine o'clock a.m., except that on any Sunday that is January first the prohibitions of this section shall be between the hours of three o'clock a.m. and ten o'clock a.m.

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

(c) Notwithstanding any provisions of subsections (a) and (b) of this section, such sale or dispensing or consumption or presence in glasses in places operating under a [bowling establishment] cafe permit issued pursuant to subsection (f) of section 30-22a shall be unlawful before eleven a.m. on any day, except in that portion of the permit premises which is located in a separate room or rooms entry to which, from the bowling lane area of the establishment, is by means of a door or doors which shall remain closed at all times except to permit entrance and egress to and from the lane area. Any alcoholic liquor sold or dispensed in a place



operating under a [bowling establishment] cafe permit issued pursuant to subsection (f) of section 30-22a shall be served in containers such as, but not limited to, plastic or glass. Any town may, by vote of a town meeting or by ordinance, reduce the number of hours during which sales under this subsection shall be permissible.

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

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

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

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



or cafe permit shall be prohibited beyond the hours authorized for the sale or the dispensing or consumption of alcohol for such premises under this section.

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

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

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

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



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

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

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

Sec. 25. Section 30-91a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

(b) Nothing in section 30-91, as amended by this act, shall be construed to supersede any action taken by a town prior to May 25, 1971, to prohibit the sale of alcoholic liquor in such



town from midnight on Saturday until one a.m. on Sunday and such action shall be construed to prohibit such sale from midnight on Saturday until two a.m. on Sunday in such town.

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

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

Sec. 26. Section 30-7 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 27. Section 30-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The Department of Consumer Protection and any agent thereof authorized to conduct any inquiry, investigation or hearing under the provisions of this chapter shall have power to administer oaths and take testimony under oath relative to the matter of inquiry or investigation. The Commissioner of Consumer Protection may withhold from disclosure any complaints or inspections that result in an investigation conducted by the department under this chapter, or any other information obtained by the department during the course of an investigation conducted by the department under this chapter, until the earlier of (1) the date



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

Sec. 28. Section 30-17 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) (1) A wholesaler permit shall allow the bottling of alcoholic liquor and the wholesale sale of alcoholic liquor to permittees in this state and without the state, as may be permitted by law, and the sale of alcoholic liquors to vessels engaged in coastwise or foreign commerce, and the sale of alcohol and alcoholic liquor for industrial purposes to nonpermittees, such sales to be made in accordance with the regulations adopted by the Department of Consumer Protection, and the sale of alcohol and alcoholic liquor for medicinal purposes to hospitals and charitable



institutions and to religious organizations for sacramental purposes and the receipt from out-of-state shippers of multiple packages of alcoholic liquor. The holder of a wholesaler permit may apply for and shall thereupon receive an out-of-state shipper's permit for direct importation from abroad of alcoholic liquors manufactured outside the United States and an out-of-state shipper's permit for direct importation from abroad of beer manufactured outside the United States. The annual fee for a wholesaler permit shall be two thousand six hundred fifty dollars.

(2) When a holder of a wholesaler permit has had the distributorship of any alcohol, beer, spirits or wine product of a manufacturer or out-of-state shipper for six months or more, such distributorship may be terminated or its geographic territory diminished upon (A) the execution of a written stipulation by the wholesaler and manufacturer or out-of-state shipper agreeing to the change and the approval of such change by the Department of Consumer Protection; or (B) the sending of a written notice by certified or registered mail, return receipt requested, by the manufacturer or out-of-state shipper to the wholesaler, a copy of which notice has been sent simultaneously by certified or registered mail, return receipt requested, to the Department of Consumer Protection. No such termination or diminishment shall become effective except for just and sufficient cause, provided such cause shall be set forth in such notice and the Department of Consumer Protection shall determine, after hearing, that just and sufficient cause exists. If an emergency occurs, caused by the wholesaler, prior to such hearing, which threatens the manufacturers' or out-of-state shippers' products or otherwise endangers the business of the manufacturer or out-of-state shipper and said emergency is established to the satisfaction of the Department of Consumer Protection, the department may temporarily suspend such wholesaler permit or take whatever reasonable action the department deems advisable to provide for such emergency and the department may continue such temporary action until its decision after a full hearing. The Department of Consumer Protection shall render its decision with reasonable promptness following such hearing. Notwithstanding the aforesaid, a manufacturer or out-of-state shipper may appoint one or more additional wholesalers as the distributor for an alcohol, spirits or wine product within such territory, provided such appointment shall not be effective until six months from the date such manufacturer or out-of-state shipper sets forth such intention in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent by certified or registered mail, return receipt requested, to the Department of Consumer Protection. For just and sufficient cause, a manufacturer or out-of-state shipper



may appoint one or more additional wholesalers as the distributor for a beer product within such territory provided such manufacturer or out-of-state shipper sets forth such intention and cause in written notice to the existing wholesaler by certified or registered mail, return receipt requested, with a copy of such notice simultaneously sent by certified or registered mail, return receipt requested, to the Department of Consumer Protection. For the purposes of this section, "just and sufficient cause" means the existence of circumstances which, in the opinion of a reasonable person considering all of the equities of both the wholesaler and the manufacturer or out-of-state shipper warrants a termination or a diminishment of a distributorship as the case may be. For the purposes of this section, "manufacturer or out-of-state shipper" means the manufacturer or out-of-state shipper who originally granted a distributorship of any alcohol, beer, spirits or wine product to a wholesaler, any successor to such manufacturer or out-of-state shipper, which successor has assumed the contractual relationship with such wholesaler by assignment or otherwise, or any other manufacturer or out-of-state shipper who acquires the right to ship such alcohol, beer, spirits or wine into the state.

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

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

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

(c) A wholesaler permittee may offer to industry members and its own staff free samples of alcoholic liquor that it distributes for tasting on the wholesaler's premises. Any offering, tasting, wine education and tasting class demonstration held on permit premises shall be conducted only during the hours a package store is permitted to sell alcoholic liquor under section 30-91. No tasting of wine on the premises shall be offered from more than ten uncorked or open bottles at any one time. A wholesaler may offer such tastings to retail permittees no



more than four times per year.

Sec. 29. Section 30-33 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 30. Section 30-35b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

A ninety-day provisional permit shall allow the retail sale or manufacture of alcoholic liquor by any applicant and his backer, if any, who has made application for a liquor permit pursuant to section 30-39, as amended by this act, and may be issued at the discretion of the Liquor Control Commission or the Department of Consumer Protection. If said applicant or his backer, if any, causes any delay in the investigation conducted by the Department of Consumer Protection pursuant to said section, the ninety-day provisional permit shall cease immediately. Only one such permit shall be issued to any applicant and his backer, if any, for each location of the club or place of business which is to be operated under such permit and such permit



shall be nonrenewable but may be extended due to delays not caused by the applicant. Such permit shall not be extended beyond one year from the filing date defined in section 30-39, as amended by this act. The fee for such ninety-day permit shall be five hundred dollars.

Sec. 31. Section 30-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

A druggist permit may be issued by the Department of Consumer Protection to a drug store proprietor. No druggist permit shall be issued covering a new drug store or a new location for an old drug store until the Commission of Pharmacy is satisfied that a drug store at such location is necessary to the convenience and best interest of the public. A druggist permit (1) shall allow the use of alcoholic liquors for the compounding of prescriptions of physicians, advanced practice registered nurses, physician assistants and dentists and for the manufacturing of all United States Pharmacopoeia and National Formulary preparations and all other medicinal preparations, (2) shall allow the retail sale and delivery of alcoholic liquor in containers of not less than eight ounces or one hundred eighty-seven and one-half milliliters and not more than one quart or one liter capacity except that beer may be sold in containers of not more than forty ounces or twelve hundred milliliters capacity, to any person, and (3) shall forbid the drinking of such alcoholic liquor on the premises of any drug store. Such permittee shall keep all alcoholic liquors in compartments, which compartments shall be securely locked except during those hours when the sale of alcoholic liquor is permitted by law. The holder of a druggist permit shall not display any alcoholic liquors or containers, marked or labeled or in any other way suggesting the contents of intoxicating liquors, in the windows of the permit premises. The Commission of Pharmacy shall revoke or suspend the pharmacy license of any pharmacist upon whose premises any violation of any provision of this section occurs. The annual fee for a druggist permit shall be five hundred thirty-five dollars.

Sec. 32. Section 30-37 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Any pharmacy licensed by the [Commission of Pharmacy] Department of Consumer Protection may fill the prescription of a licensed physician, advanced practice registered nurse, physician assistant or dentist for alcoholic liquors at any time without regard to the vote of any town prohibiting the sale of such liquors and may use alcoholic liquors for the compounding of such prescriptions and for the manufacture of all United States Pharmacopoeia and National



Formulary preparations and all other medicinal preparations without the necessity of obtaining a permit from the Department of Consumer Protection, provided each such prescription shall include the name and address of the person for whom it is prescribed and shall be signed with his full name by the person issuing such prescription. Each such prescription shall be filled only once, and the person making a sale on such prescription shall write on the face thereof the number of such prescription and the date of the sale or delivery of such liquor and shall keep such prescription on file and available at all reasonable times for inspection. All alcoholic liquors sold by licensed pharmacies on prescriptions alone shall be kept in compartments, which compartments shall be securely locked except when such liquors are being used in the compounding of the prescriptions.

Sec. 33. Section 30-37j of the 2020 supplement to the general statutes, as amended by section 12 of public act 19-24, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) A caterer liquor permit shall allow a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events to sell and serve alcoholic liquor for on-premises consumption with or without the provision of food at any activity, event or function for which such person has been hired, pursuant to a contract between the holder of the caterer liquor permit and the hiring party. The holder of a caterer liquor permit shall not engage in self-dealing or self-hiring in order to generate catering events. The annual fee for a caterer liquor permit shall be four hundred forty dollars.

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

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



30-16 or a wholesaler permit issued under section 30-17, as amended by this act.

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

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

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

Sec. 34. Section 30-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For the purposes of this section, the "filing date" of an application means the date upon which the department, after approving the application for processing, mails or otherwise delivers to the applicant a placard containing such date.

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



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

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

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



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

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

(c) Any ten persons who are at least eighteen years of age, and are residents of the town within which the business for which the permit or renewal thereof has been applied for, is intended to be operated, or, in the case of a manufacturer's or a wholesaler's permit, any ten persons who are at least eighteen years of age and are residents of the state, may file with the department, within three weeks from the last date of publication of notice made pursuant to subdivision (3) of subsection (b) of this section for an initial permit, and in the case of renewal of an existing permit, at least twenty-one days before the renewal date of such permit, a



remonstrance containing any objection to the suitability of such applicant or proposed place of business, provided any such issue is not controlled by local zoning. Upon the filing of such remonstrance, the department, upon written application, shall hold a hearing and shall give such notice as it deems reasonable of the time and place at least five days before such hearing is had. The remonstrants shall designate one or more agents for service, who shall serve as the recipient or recipients of all notices issued by the department. At any time prior to the issuance of a decision by the department, a remonstrance may be withdrawn by the remonstrants or by such agent or agents acting on behalf of such remonstrants and the department may cancel the hearing or withdraw the case. The decision of the department on such application shall be final with respect to the remonstrance.

(d) No new permit shall be issued until the foregoing provisions of subsections (a) and (b) of this section have been complied with. If no new permit 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.

Sec. 35. Section 30-47 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Department of Consumer Protection may, in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if it has reasonable cause to believe: (1) That the applicant or permittee appears to be financially irresponsible [or neglects to provide for his family,] or neglects or is unable to pay his just debts; (2) that the applicant or permittee has been provided with funds by any wholesaler or manufacturer or has any forbidden connection with any other class of permittee as provided in this chapter; (3) that the



applicant or permittee is in the habit of using alcoholic beverages to excess; (4) that the applicant or permittee has [wilfully] willfully made any false statement to the department in a material matter; (5) that the applicant or permittee has been convicted of violating any of the liquor laws of this or any other state or the liquor laws of the United States or has been convicted of a felony as such term is defined in section 53a-25 or has such a criminal record that the department reasonably believes he is not a suitable person to hold a permit, provided no refusal shall be rendered under this subdivision except in accordance with the provisions of sections 46a-80 and 46a-81; (6) that the applicant or permittee has not been delegated full authority and control of the permit premises and of the conduct of all business on such premises; or (7) that the applicant or permittee has violated any provision of this chapter or any regulation adopted under this chapter. Any backer shall be subject to the same disqualifications as provided in this section in the case of an applicant for a permit or a permittee.

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

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

Sec. 36. Section 30-51 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No permit may be issued for the sale of alcoholic liquor in any building, a portion of which will not be used as the permit premises, unless the application therefor is accompanied by an affidavit signed and [sworn] affirmed to by the applicant, stating that access from the portion of the building that will not be used as the permit premises to the portion of the building that will be used as the permit premises is effectually closed, unless the Department of Consumer Protection endorses upon such application that it has dispensed with such affidavit for reasons considered by it good and satisfactory and also endorses thereon such



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

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

Sec. 37. Section 30-55 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Department of Consumer Protection may, in its discretion, revoke, suspend or place



conditions on any permit or provisional permit or impose a fine of not greater than one thousand dollars per violation, upon cause found after hearing, provided ten days' written notice of such hearing has been given to the permittee setting forth, with the particulars required in civil pleadings, the charges upon which such proposed revocation, suspension or fine is predicated. Any appeal from such order of revocation, suspension, [or] fine or conditions shall be taken in accordance with the provisions of section 4-183.

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

Sec. 38. Section 30-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

Sec. 39. Section 30-59 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

The Department of Consumer Protection shall [transmit a certificate of the revocation, suspension or reinstatement of any permit by it to the town clerk of the town within which the permittee is operating or has been operating, which clerk shall attach such certificate to the duplicate copy of such permit on file in his office] post notice of any revocation or suspension of any permit on the department's Internet web site.

Sec. 40. Section 30-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Service of process in any action in which the commission is a party shall be made upon any



member of the commission. [or the secretary of the commission.]

Sec. 41. Section 30-64b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 42. Section 30-67 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 43. Section 30-68n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) For the purposes of this section: (1) "Advertise" means the making of any statement or representation in connection with the solicitation of business in any manner by a retail permittee and includes, but is not limited to, statements and representations published in any newspaper or other publication or statements or representations printed in any catalog, circular or other sales literature or brochure; (2) "manufacturer's rebate" means that amount due and payable in accordance with an offer by a permittee other than a retail permittee to refund to a consumer all or a portion of the purchase price of an alcoholic liquor product; and



(3) "net price" means the ultimate price paid by a consumer for an alcoholic liquor product after the consumer has redeemed the manufacturer's rebate offered for the alcoholic liquor product. Merchandise, novelties or other items are not permissible manufacturer's rebates. No permittee shall require alcoholic liquor to be purchased in order for a consumer to receive access to any merchandise, novelty or other item.

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

Sec. 44. Section 30-74 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

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

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

Sec. 45. Subsection (d) of section 30-86 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):



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

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

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

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

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

Sec. 46. Section 30-93a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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

Sec. 47. Section 30-113 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):



Any person convicted of a violation of any provision of this chapter for which a specified penalty is not imposed, shall, for each offense, be [fined not more than one thousand dollars or imprisoned not more than one year or both] subject to the penalty provisions of section 30-55, as amended by this act.

Sec. 48. Subsection (m) of section 30-22a of the 2020 supplement to the general statutes, as amended by section 22 of public act 19-24, is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(m) For purposes of compliance with this section, "cafe" shall include: (1) a room or building that is subject to the care, custody and control of The University of Connecticut Board of Trustees; [or] (2) land and buildings which are subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, which has been accredited by the Board of Regents for Higher Education or Office of Higher Education or otherwise is authorized to award a degree pursuant to section 10a-34; or (3) [(2)] on land or in a building situated on or abutting a golf course which is subject to the care, custody and control of an institution offering a program of higher learning, as defined in section 10a-34, which has been accredited by the Board of Regents for Higher Education or Office of Higher Education or otherwise is authorized to award a degree pursuant to section 10a-34.

Sec. 49. Section 30-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Sec. 30-18. Out-of-state shipper's permit for alcoholic liquors. (a) An out-of-state shipper's permit for alcoholic liquor other than beer shall allow the sale of such alcoholic liquor to manufacturer and wholesaler permittees in this state and outside this state as permitted by law and, as to any out-of-state shipper operating a farm winery who produces not more than one hundred thousand gallons of wine per year, the sale and shipment by the holder thereof to a retailer of wine manufactured by such permittee on the permitted premises in the original sealed containers of not more than fifteen gallons per container. The permit premises of an out-of-state shipper's permit for alcoholic liquor may be located within this state or outside this state. The annual fee for an out-of-state shipper's permit for alcoholic liquor other than beer shall be ninety dollars for a Connecticut manufacturer or wholesaler holding such a permit and shall be one thousand two hundred fifty dollars for any other person holding such a permit. For purposes of this subsection, "farm winery" means any place or premises, located



on a farm in which wine is manufactured and sold provided not less than twenty-five per cent of the fruit used in the manufacture of such wine is produced on such farm.

Sec. 50. (NEW) (*Effective July 1, 2021*) Notwithstanding the provisions of section 30-68m of the general statutes, the holder of a package store permit issued pursuant to section 30-20 of the general statutes may ship alcoholic liquor to a consumer located out-of-state, subject to all applicable laws of the jurisdiction in which such consumer is located. As used in this section, "out-of-state" means any state other than Connecticut, any territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, but does not include any foreign country.

Sec. 51. (NEW) (*Effective July 1, 2021*) (a) A permit issued pursuant to title 30 of the general statutes for any on-premises consumption of alcoholic liquor shall allow the retail sale of not more than two drinks to any one person at any one time.

(b) The Commissioner of Consumer Protection shall amend existing regulations of Connecticut state agencies to comply with the provisions of subsection (a) of this section.

Sec. 52. Sections 30-6c and 30-58b of the general statutes are repealed. (*Effective July 1, 2021*)



Agency Legislative Proposal - 2021 Session

Document Name: DCP2021MedicalMarijuanaProgram

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

State Agency: Department of Consumer Protection

Liaison: Leslie O’Brien

Phone: 860-713-6208

E-mail: leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control Division

Agency Analyst/Drafter of Proposal: Leslie O’Brien

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

Statutory Reference: CGS Chapter 420f, and Sections 22-61l and 22-61m

Proposal Summary: This proposal would make changes to the Medical Marijuana Program (MMP). First, it would create a process by which any proposed changes in ownership of any medical marijuana business licensed by the Department of Consumer Protection would be reviewed by the Office of the Attorney General to determine whether such transaction, if consummated, would violate the antitrust laws. Second, it would allow and create a structure for MMP producers to purchase hemp and hemp products from entities that are not part of the MMP.

PROPOSAL BACKGROUND

◇ Reason for Proposal

Please consider the following, if applicable:

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

Aims to address concerns regarding potential anti-competitive behavior within the MMP and allows for hemp, which can now be grown outside of the MMP, to be purchased by MMP producers.

◇ Origin of Proposal

New Proposal

Resubmission



If this is a resubmission, please share:

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

The first section of this proposal was raised in the 2020 Legislative Session and was passed favorably by a unanimous vote out of the General Law Committee.

PROPOSAL IMPACT

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

Agency Name: Office of the Attorney General, Department of Agriculture

Agency Contact (name, title, phone): Nicole Lake, Kayleigh Royston

Date Contacted: 9/22/2020

Approve of Proposal YES NO Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? YES NO Not sure at this time.

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

Municipal (please include any municipal mandate that can be found within legislation)

None

State

None

Federal

None

Additional notes on fiscal impact

None



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

There is currently no process to address the potential for anticompetitive behavior within the state's medical marijuana market, or for MMP producers to use hemp or hemp products grown in the State's Hemp Pilot Program.

◇ **EVIDENCE BASE**

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

Because Connecticut's program is unique, and this is an emerging market, there is no data currently available.

[Insert fully drafted bill here](#)

AN ACT CONCERNING ANTI-TRUST ISSUES AND THE PALLIATIVE USE OF MARIJUANA.

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

Section 1. (NEW) (Effective July 1, 2021) (a) For purposes of this section:

(1) "Material change" means: (A) The addition of a dispensary facility backer or producer backer, (B) a change in the ownership interest of an existing dispensary facility backer or producer backer, (C) the merger, consolidation or other affiliation of a medical marijuana business with another person, (D) the acquisition of all or part of a medical marijuana business by another person, and (E) the transfer of assets or security interests from a medical marijuana business to another person;

(2) "Medical marijuana business" means a medical marijuana dispensary facility or production facility, licensed pursuant to chapter 420f of the general statutes and the regulations promulgated thereunder;

(3) "Person" means an individual, firm, partnership, corporation, company, association, trust or other business or tribal entity; and



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

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

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

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

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

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

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

(h) Civil Penalty; Compliance

(1) Any person, or any officer, director, or partner thereof, who fails to comply with any provision of this section shall be liable to the State of Connecticut for a civil penalty of not more than \$10,000 for each day during which such person is in violation of this section. Such penalty may be recovered in a civil action brought by the Attorney General.



(2) If any person, or any officer, director, partner, agent, or employee thereof, fails substantially to comply with the notification requirement under subsection (b) or any request for the submission of additional information or documentary material under subsection (f) of this section within the waiting period specified in subsection (d) and as may be extended under subsection (f), the court:

(A) may order compliance;

(B) shall extend the waiting period specified in subsection (d) and as may have been extended under subsection (f) until there has been substantial compliance, except that, in the case of a tender offer, the court may not extend such waiting period on the basis of a failure, by the person whose stock is sought to be acquired, to comply substantially with such notification requirement or any such request; and

(C) may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Attorney General.

Section 2. Subsection 22-61l(s) of Public Act _____ is repealed (Effective July 1, 2021):

[(s) Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f.]

Section 3. Subsection 22-61m(g) of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(g) [Nothing in this section shall be construed to apply to any licensee of palliative marijuana authorized pursuant to chapter 420f of the general statutes.]Nothing in this chapter or any regulations promulgated pursuant to this chapter shall be construed to apply to persons licensed pursuant to 21a-408i of the general statutes nor require persons licensed pursuant to 21a-408i of the general statutes to obtain a license established pursuant to this chapter.

Section 4. Subsection 22-61m(k) of Public Act _____ is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

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



Section 5. (NEW) (Effective July 1, 2021)

21a-408w. Hemp and Hemp Products. Producers shall grow, cultivate, manufacture, market, produce, or store hemp and hemp products, as defined in section 22-61l of the general statutes, in accordance with this chapter and the regulations promulgated thereunder, except that producers may obtain hemp and hemp products from a person authorized under the laws of this state or another state, territory or possession of the United States or another sovereign entity to possess and sell such hemp and hemp products. Hemp or hemp products purchased by producers from third parties shall be tracked as a separate batch throughout the manufacturing process in order to document the disposition of such hemp or hemp products. Once hemp or hemp products are received by producers, such hemp or hemp products shall be deemed marijuana and shall comply with the requirements for marijuana contained in this chapter and the regulations promulgated thereunder. Producers shall retain a copy of the certificate of analysis for hemp or hemp products purchased and invoice and transport documents that evidence the quantity purchased and date received. No hemp or hemp products shall be sold or distributed within the dispensary facility, as defined in section 21a-408-1 of the Regulations of Connecticut State Agencies.