



## Agency Legislative Proposal - 2018 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DCP2018AgencyRevisions.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Consumer Protection

**Liaison:** Leslie O'Brien

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Lead agency division requesting this proposal: Multiple Divisions

Agency Analyst/Drafter of Proposal: Leslie O'Brien

**Title of Proposal:** Revisions to Multiple DCP Statutes

**Statutory Reference:** Sections 14-319, 21a-118, 30-39(b)(3), 21a-2, 51-164n, 21a-430, 42-150u, 20-306a, 20-306b

**Proposal Summary:**

Section 1 expands the license required to see gasoline in Sec. 14-319 to allow for mobile fueling companies, which are operating in several states, to operate in Connecticut.

Section 2 modifies Sec. 21a-118 to address enforcement issues at food facilities that have caused problems procedurally in the past.

Section 3 amends Sec. 30-39(b)(3) to allow liquor permit applicants to placard, for purposes of entertainment, anytime during the permit, not just upon renewal.

Sections 4 and 5 amend Sec. 21a-2 and Sec. 51-164n so that if failure to respond to complaints exceeds 15 days, DCP has ability to issue infractions and fine up to \$250.

Section 6 revises Sec. 21a-430 to require that contact information of owners of donation bins be posted on the bins.

Section 7 amends Sec. 42-150u to provide right of cancellation on consumer contracts or consumer leases for personal emergency response systems.

Section 8 amends 20-306a to clarify that Individual members of a limited liability company or owners of a corporation which business entity shall practice or offer to practice professional



engineering or land surveying services in this state are not required to be individually licensed.

Section 9 amends 20-306b to clarify that limited liability companies or owners of a corporation formed in this state for the joint practice of architecture, landscape architecture, professional engineering, land surveying services or any combination of such practices or services is not required to be individually licensed.

**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)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

To make help small businesses and protect consumers by making various revisions to multiple sections of statutes enforced by the Department of Consumer Protection.

**◇ 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:** Judicial. Section 5 would amend 51-164n to allow for DCP to issue infractions which would be payable and appealable through the Centralized Infractions Bureau.

**Agency Contact (name, title, phone):** Doreen Del Bianco

**Date Contacted:** 11/30/17

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency’s Comments**  
None yet.



Will there need to be further negotiation?  YES  NO NA, DCP will pull this if Judicial has concerns.

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

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

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

This proposal will help small businesses and allow DCP to more efficiently license and enforce.

**Insert fully drafted bill here**

**Section 1. Section 14- 319 of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 14-319. License required for sale of gasoline. Prohibited grounds for refusal to grant or renew license. (a) No person shall sell or offer for sale any gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines over the highways of this state without having applied for and received from the commissioner a license to sell such gasoline or other product. Each person applying for any such license shall, in such application, state the location of each place or station where such person intends to sell or offer for sale any such gasoline or other product or if a vehicle tank mobile fueling operation is seeking licensure, stat the business location and service area of said operation. Each such license shall be renewed annually. A license fee for each such place or station shall be charged as follows: For each station at a fixed location containing one



pump, one hundred dollars; [and,] for each station at a fixed location containing more than one pump, one hundred dollars, plus twenty-eight dollars for each pump in excess of one; for vehicle tank mobile operations, five hundred dollars for the first tank truck, plus one hundred dollars for each tank truck thereafter. The fees shall be paid to the commissioner.

**Section 2. Section 21a-118 of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 21a-118. Inspections. Right to hearing. Reinspection of food facilities; costs imposed. Suspension or revocation of license for violation of provisions of chapters 417, 418 and 419b.

(a) For the purpose of enforcing the provisions of chapter 417, chapter 419b and this chapter, the commissioner, or his authorized representative, is authorized (1) to enter, at reasonable times, any factory, warehouse or establishment subject to this chapter, or to enter any vehicle being used to transport or hold food, drugs, devices or cosmetics in intrastate commerce and (2) to inspect, at reasonable times, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, labeling and advertisements, records, files and papers therein.

(b) If an inspection reveals a violation of any provision of this chapter concerning a food factory, food warehouse or food establishment, the commissioner shall notify the owner of such factory, warehouse or establishment of any such violation and his right to a hearing under this section [by certified mail] within fifteen days of the date of such original inspection. Such owner may contest the violations cited in such notice by requesting a hearing in writing [by certified mail] within fifteen days of the date of receipt of such notice. The commissioner shall grant such a request and conduct a hearing in accordance with the provisions of chapter 54. The cost of all reinspections necessary to determine compliance with any such provision shall be forty dollars an hour and shall be charged to such owner, except that if the first reinspection following the original inspection indicates compliance with such provision no charge shall be made.

(c) If an inspection reveals a violation of any provision of chapter 417, chapter 419b or this chapter concerning any food, drug, cosmetic or device by any establishment licensed or registered in accordance with the provisions of chapters 417, 418 and 419b, the commissioner may impose a civil penalty of not more than five hundred dollars for each separate violation, suspend or revoke the license or registration of such establishment after notice and a hearing conducted in accordance with the provisions of chapter 54.

**Section 3. Section 30-39(b)(3) of the general statutes is repealed and the following is substituted in lieu thereof:**



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 a renewal application or upon requesting the permission of the department on a form that requires the approval of the local zoning official.

**Section 4. Section 21a-2 of the general statutes is repealed and the following is substituted in lieu thereof:**

**[Toll-free telephone line for]Consumer inquiries and complaints.**



(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 handle the intake of consumer complaints related to 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 contact the respondent against whom a complaint was received to notify them of the allegations against them and require a written response be provided to the Department within 14 days of receipt of such notice.

(c) In the event that the Department provides written notice to a respondent that a complaint has been filed against them, and said respondent fails to respond within 14 days of receipt of such notice, a fine of up to \$250.00 may be imposed for failure to respond to the Department. Proper written notice for the purposes of this section shall include notice sent by registered or certified mail or hand-delivered to any person that is not a credential holder with the Department, or notice sent to the address of record or hand-delivered for any person who holds a credential with the Department. The Commissioner may subsequently waive the imposition of the fine if the respondent is a credential holder and demonstrates good cause for their failure to respond within the prescribed period.

**Section 5. Section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 51-164n. Procedure upon summons for infraction or certain violations. Payment by mail. Procedure at trial. (a) There shall be a Centralized Infractions Bureau of the Superior Court to handle payments or pleas of not guilty with respect to the commission of an infraction under any provision of the general statutes or a violation set forth in subsection (b) of this section. Except as provided in section 51-164o, any person who is alleged to have committed an infraction or a violation under subsection (b) of this section may plead not guilty or pay the established fine and any additional fee or cost for the infraction or such violation.

(b) Notwithstanding any provision of the general statutes, any person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-12, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487,



13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b 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, 14-249, 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, 17a-642, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, [21a-2](#), subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d, 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 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 (2) of subsection (j) of section 26-142a, subdivision (1) of subsection (b) of section 26-157b, subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24,





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

**Section 6. Section 21a-430 of the general statutes is repealed and the following is substituted in lieu thereof:**

**Sec. 21a-430. Donation bins. Placement in public place. Notice required. Penalty.** (a) No person shall place or cause to be placed in a public place a donation bin for the donation of clothing or other articles unless such person has been granted permission to place such donation bin in such public place by the owner of such public place or by such owner's duly authorized agent and unless such bin contains a notice in block letters at least two inches high stating: (1) If the donation is for a charitable purpose, (A) the name of the nonprofit organization that will benefit from the donation, (B) the name and contact information of the owner of such bin, and (C) that the public may contact the Department of Consumer Protection for further information, or (2) if not intended for a charitable purpose, that such donation is not for a charitable purpose. Such notice shall be on the same side of the bin where the donation is likely to be made. As used in this section, "public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests, and "donation bin" means a large container commonly placed in a parking lot for the purpose of encouraging individuals to donate clothing or other items.

(b) Any person who violates any provision of subsection (a) of this section shall be fined not more than five hundred dollars.

**Section 7. Section 42-150u of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 42-150u. Enforceability of liquidated damages provision in consumer contracts. (a) No provision in a written contract for the purchase or lease of goods or services primarily for personal, family or household purposes that provides for the payment of liquidated damages in the event of a breach of the contract shall be enforceable unless (1) the contract contains a statement in boldface type at





least twelve points in size immediately following such liquidated damages provision stating "I ACKNOWLEDGE THAT THIS CONTRACT CONTAINS A LIQUIDATED DAMAGES PROVISION", and (2) the person against whom such provision is to be enforced signs such person's name or writes such person's initials next to such statement. Nothing in this section shall validate a clause that is a penalty clause or is otherwise invalid under the law of this state.

(b) For the purposes of this subsection, personal emergency response system means a 24 hour electronic alarm system placed in an adult's home that enables him or her to obtain immediate help in case of an emergency. In the event a consumer expires during the term of a consumer contract or consumer lease for a personal emergency response system, the consumer contract or consumer lease for a personal emergency response system will be deemed terminated upon death and any penalty provision contained within the contract for early termination will be deemed unenforceable and unreasonable under section 42-421.

(c) [(b)]The provisions of subsection (a) of this section shall not apply to (1) contracts between a consumer and an agency of the state or any political subdivision of the state or of the federal government, (2) negotiable instruments, (3) contract provisions for late fees, prepayment penalties or default interest rates, (4) contracts originated or held by an institution, or any subsidiary or affiliate of such institution, that is regulated by the Department of Banking or by a federal bank regulatory agency, provided, in the case of a contract originated or held by a subsidiary or affiliate of such institution, the subject matter of the contract is an activity that is financial in nature or incidental to such an activity as described in the Bank Holding Company Act, 12 USC 1843(k)(4), and (5) contracts originated or held by a person, firm or corporation licensed by the Department of Motor Vehicles in accordance with the provisions of section 14-52 or 14-67a.

**Section 8. Section 20-306a of the general statutes is repealed and the following is substituted in lieu thereof:**

**Sec. 20-306a. Practice of engineering or land surveying by a corporation or limited liability company.** (a) The practice of or the offer to practice professional engineering in this state by individual licensed professional engineers or the practice of or the offer to practice land surveying in this state by individual licensed land surveyors under the corporate form or by a corporation or limited liability company, a material part of the business of which includes engineering or land surveying, is permitted, provided (1) such personnel of such corporation or limited liability company as act in its behalf as engineers or land surveyors are licensed or exempt from licensure under the provisions of this chapter, and (2) such corporation or limited liability company has been issued a certificate of registration **[by the board]** as provided in this section. No such corporation or limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering or land surveying be relieved of responsibility for engineering or land surveying



services performed by reason of his employment or relationship with such corporation or limited liability company. All final drawings, specifications, plots, reports or other engineering or land surveying papers or documents involving the practice of engineering or land surveying which are prepared or approved by any such corporation or limited liability company or engineer or land surveyor for use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the engineer or land surveyor who prepared them or under whose supervision they were prepared.

(b) A qualifying corporation or limited liability company desiring a certificate of registration shall file [with the board] an application upon a form prescribed by the Department of Consumer Protection accompanied by [an]a non-refundable application fee of five hundred sixty-five dollars. Each such certificate shall expire annually and shall be renewable upon payment of a fee of three hundred seventy-five dollars. If all requirements of this chapter are met, [the board shall authorize] the department [to]shall issue to such corporation or limited liability company a certificate of registration within thirty days of such application, provided the Department of Consumer Protection or board may refuse to authorize the issuance of a certificate if any facts exist which would entitle the Commissioner of the Department of Consumer Protection or board to suspend or revoke an existing certificate.

(c) Each such corporation or limited liability company shall file with the [board] Department of Consumer Protection a designation of an individual or individuals licensed to practice engineering or land surveying in this state who shall be in charge of engineering or land surveying by such corporation or limited liability company in this state. Such corporation or limited liability company shall notify the [board] Department of Consumer Protection of any change in such designation within thirty days after such change becomes effective.

(d) Individual members of a limited liability company or owners of a corporation which business entity shall practice or offer to practice professional engineering or land surveying services in this state are not required to be individually licensed under the provisions of this chapter.

**Section 9. Section 20-306b of the general statutes is repealed and the following is substituted in lieu thereof:**

**Sec. 20-306b. Formation of corporation or limited liability company for joint practice.** (a) One or more architects, each of whom is licensed under the provisions of chapter 390, one or more landscape architects, each of whom is licensed under the provisions of chapter 396, one or more professional engineers or one or more land surveyors each of whom is licensed under the provisions of this chapter, may form a corporation or limited liability company for the joint practice of architecture, landscape architecture, professional engineering, land surveying services or any combination of such practices or services, provided (1) one or more persons licensed as architects, landscape architects, engineers or land surveyors under chapter 390, chapter 396 or this chapter own not less than two-thirds of the voting stock of the corporation or not less than two-thirds of the



voting interests of the limited liability company, and the members of each profession forming the corporation or limited liability company together own at least twenty per cent of the voting stock of the corporation or at least twenty per cent of the voting interests of the limited liability company, (2) the personnel in responsible charge of the practice of architecture for such corporation or limited liability company shall be licensed under chapter 390, the personnel in responsible charge of the practice of engineering or land surveying for such corporation or limited liability company shall be licensed under this chapter, and the personnel in responsible charge of the practice of landscape architecture for such corporation or limited liability company shall be licensed under chapter 396, and (3) such corporation or limited liability company has been issued a joint certificate of registration by the Department of Consumer Protection, [at the direction of] the Architectural Licensing Board, the State Board of Landscape Architects or the appropriate members of the State Board of Examiners for Professional Engineers and Land Surveyors designated to administer the provisions of this chapter with respect to professional engineers or land surveyors. Such corporation or limited liability company shall, upon request by the Department of Consumer Protection, Architectural Licensing Board, State Board of Landscape Architects or the State Board of Examiners for Professional Engineers and Land Surveyors, provide the requesting [board]agency with information concerning its officers, directors, members, beneficial owners and all other aspects of its business organization. Corporations for such joint practice in existence as of July 1, 1992, may continue to be governed by the provisions of this subsection as revised to 1989, provided the certificate issued under this section did not expire more than two years before that date.

(b) Application by such corporation or limited liability company for a certificate of registration under this section shall be made to [all applicable boards jointly]Department of Consumer Protection on a form prescribed by the department and accompanied by [an]a non-refundable application fee of five hundred sixty-five dollars. Each such certificate shall expire annually and shall be renewable upon payment of a fee of three hundred seventy-five dollars, if all requirements of chapter 390 or 396 and this chapter with respect to corporate or limited liability company practice are met. The Department or boards by joint action may refuse to authorize the issuance or renewal of a certificate if any facts exist which would entitle the Commissioner of the Department of Consumer Protection or boards to suspend or revoke an existing certificate.

(c) Any corporation or limited liability company issued a certificate under this section shall be required to comply with all provisions of chapter 390 or 396 and this chapter with respect to corporate or limited liability company practice.

(d) No such corporation or limited liability company shall be relieved of responsibility for the conduct or acts of its agents, employees, members or officers by reason of its compliance with the provisions of this section, nor shall any individual practicing architecture, landscape architecture, engineering or land surveying be relieved of responsibility for services performed by reason of [his or her]their employment or relationship with such corporation or limited liability company.



(e) Except as provided in this section, each individual member of a limited liability company or owner of a corporation formed in this state for the joint practice of architecture, landscape architecture, professional engineering, land surveying services or any combination of such practices or services is not required to be individually licensed under the provisions of chapters 390, 396, and this chapter.

[(e)] (f) All fees collected under this section shall be paid to the State Treasurer for deposit in the General Fund.

[(f)] (g) The Commissioner of Consumer Protection, with the advice and assistance of the Architectural Licensing Board, the State Board of Landscape Architects and the appropriate members of the State Board of Examiners for Professional Engineers and Land Surveyors designated to administer the provisions of this chapter with respect to professional engineers or land surveyors, shall adopt regulations, in accordance with chapter 54, to carry out the provisions of this section.



## Agency Legislative Proposal - 2018 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DCP2018DrugControl.docx

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Department of Consumer Protection

**Liaison:** Leslie O'Brien

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**E-mail:** leslie.obrien@ct.gov

Lead agency division requesting this proposal: Drug Control

Agency Analyst/Drafter of Proposal: Leslie O'Brien/Rodrick Marriott

**Title of Proposal:** Changes to Pharmacy and Drug Control Statutes

**Statutory Reference:** 20-579, 20-601, 21a-70, 21a-254, 20-633b(c)

**Proposal Summary:**

Sec. 1 makes a technical change in CGS Sec. 20-579 to clarify that a civil penalty may be assessed per violation, similar to the enforcement section of controlled substance registration that allows for an assessment of a civil penalty per violation (see 21a-322).

Sec. 2 mandates fees for non-resident pharmacies in CGS Sec. 20-601. Currently there are fees assessed for a notice of change in officers or directors of a corporation holding a pharmacy license and for a change in name, ownership or management of a pharmacy. Fees are not currently assessed for nonresident pharmacies that submit the same changes and this revision would address that imbalance.

Sec. 3 requires wholesalers/distributors of controlled substances, registered pursuant to Sec. 21a-70, to identify and report suspicious orders of controlled substances to the Drug Control Division. The DEA currently requires mandated reporting of suspicious orders pursuant to 21 CFR 1301.74(b), and this proposal would be the state counterpart.

Sec. 4 requires accurate and annual Inventory of all controlled substances and perpetual inventory of schedule II controlled substances by amending CGS Sec. 21a-254.

Sec. 5 updates CGS Sec. 20-633b(c) to be consistent with changes made to United States Pharmacopeia ("USP"), which added chapter 800, recommending standards for the sterile compounding of hazardous drugs.

### 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)?
- (3) Have certain constituencies called for this action?
- (4) What would happen if this was not enacted in law this session?

To make various revisions to multiple sections of pharmacy and drug control statutes in Chapters 400j and 417.

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:** None  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency’s Comments**

Click here to enter text.

Will there need to be further negotiation?     YES     NO

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

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

NA



<b>State</b> NA
<b>Federal</b> NA
<b>Additional notes on fiscal impact</b> NA

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

This proposal will allow the Drug Control Division at DCP to more efficiently address licensing and enforcement issues.

**Insert fully drafted bill here**

**Section 1. Section 20-579 of the general statutes is repealed and the following is substituted in lieu thereof:**

(a) The commission may refuse to authorize the issuance of a temporary permit to practice pharmacy, may refuse to authorize the issuance or renewal of a license to practice pharmacy, a license to operate a pharmacy or a registration of a pharmacy intern or pharmacy technician, and may revoke or suspend a license or temporary permit to practice pharmacy, a license to operate a pharmacy, or a registration of a pharmacy intern or a pharmacy technician, and may assess a civil penalty of up to one thousand dollars **per violation of this chapter** or take other action permitted in subdivision (7) of section 21a-7 if the applicant or holder of the license, temporary permit or registration:

**Section 2. Section 20-601 of the general statutes is repealed and the following is substituted in lieu thereof:**

**Fees.** The department shall collect the following nonrefundable fees:

(1) The fee for issuance of a pharmacist license is two hundred dollars, payable at the date of application for the license.

(2) The fee for renewal of a pharmacist license is the professional services fee for class A, as defined in section 33-182/. Before the commission grants a license to an applicant who has not held a license authorized by the commission within five years of the date of application, the applicant shall pay the fee required in subdivision (1) of this section.





- (3) The fee for issuance of a pharmacy license is seven hundred fifty dollars.
- (4) The fee for renewal of a pharmacy license is one hundred ninety dollars.
- (5) The late fee for an application for renewal of a license to practice pharmacy, a pharmacy license or a permit to sell nonlegend drugs is the amount set forth in section 21a-4.
- (6) The fee for notice of a change in officers or directors of a corporation holding a pharmacy license is sixty dollars for each pharmacy license held. A late fee for failing to give such notice within ten days of the change is fifty dollars in addition to the fee for notice.
- (7) The fee for filing notice of a change in name, ownership or management of a pharmacy is ninety dollars. A late fee for failing to give such notice within ten days of the change is fifty dollars in addition to the fee for notice.
- (8) The fee for application for registration as a pharmacy intern is sixty dollars.
- (9) The fee for application for a permit to sell nonlegend drugs is one hundred forty dollars.
- (10) The fee for renewal of a permit to sell nonlegend drugs is one hundred dollars.
- (11) The late fee for failing to notify the commission of a change of ownership, name or location of the premises of a permit to sell nonlegend drugs within five days of the change is twenty dollars.
- (12) The fee for issuance of a nonresident pharmacy certificate of registration is seven hundred fifty dollars.
- (13) The fee for renewal of a nonresident pharmacy certificate of registration is one hundred ninety dollars.
- (14) The fee for notice of a change in officers or directors of a corporation holding a nonresident pharmacy certificate of registration is sixty dollars for each pharmacy license held. A late fee for failing to give such notice within ten days of the change is fifty dollars in addition to the fee for notice.
- (15) The fee for filing notice of a change in name, ownership or management of a nonresident pharmacy is ninety dollars. A late fee for failing to give such notice within ten days of the change is fifty dollars in addition to the fee for notice.
- (16)[(14)] The fee for application for registration as a pharmacy technician is one hundred dollars.
- (17)[(15)] The fee for renewal of a registration as a pharmacy technician is fifty dollars.
- (18)[(16)] The fee for issuance of a temporary permit to practice pharmacy is two hundred dollars.

**Section 3. Section 21a-70 of the general statutes is repealed and the following is substituted in lieu thereof:**



**Sec. 21a-70. (Formerly Sec. 19-210). Registration of manufacturers and wholesalers of drugs. Sale of drugs limited.** (a) **Definitions.** As used in this section: (1) "Wholesaler" or "distributor" means a person, whether within or without the boundaries of the state of Connecticut, who supplies drugs, medical 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 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 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, 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.

(b) **Registration of wholesalers and manufacturers of drugs required. Exceptions. Fees. Expenses.** No wholesaler or manufacturer shall operate as such until he has received a certificate of registration issued by the commissioner, which certificate shall be renewed annually, provided no such certificate shall be required of a manufacturer, except a sterile compounding pharmacy, as defined in subsection (a) of section 20-633b, whose principal place of business is located outside the state, who is registered with the federal Food and Drug Administration or any successor agency and who files a copy of such registration with the commissioner. A fee of one hundred ninety dollars shall be charged for each wholesaler's certificate and renewal thereof. A separate certificate and corresponding fee is required for each location existing in this state and for each location existing outside of this state that distributes products into this state. The fee for a manufacturer's certificate and renewal thereof shall be two hundred eighty-five dollars for manufacturers employing not more than five licensed pharmacists or qualified chemists or both; three hundred seventy-five dollars for



manufacturers employing not more than ten licensed pharmacists or qualified chemists or both; and nine hundred forty dollars for manufacturers employing more than ten licensed pharmacists or qualified chemists or both. No such certificate shall be issued to a manufacturer unless such drugs, medical devices or cosmetics are manufactured or compounded under the direct supervision of a licensed pharmacist or a qualified chemist. No certificate of registration shall be issued under this section until the applicant has furnished proof satisfactory to the commissioner that the applicant is equipped as to facilities and apparatus to properly carry on the business described in his application and that the applicant conforms to chapter 418 and regulations adopted thereunder.

(c) **Commissioner's right to deny certificate.** The commissioner shall have the right to deny a certificate of registration if he determines that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the commissioner shall consider, at a minimum, the following factors:

- (1) Any convictions or regulatory actions involving the applicant under any federal, state or local law relating to drug samples, wholesale or retail drug distribution, or distribution or possession of drugs including controlled substances;
- (2) Any felony convictions of the applicant under federal, state or local laws;
- (3) The applicant's past experience in the manufacture or distribution of drugs;
- (4) The furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;
- (5) Suspension, revocation or other sanction by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs;
- (6) Compliance with licensing or registration requirements under previously granted licenses or registrations;
- (7) Compliance with requirements to maintain or make available to the commissioner or to federal, state or local law enforcement officials those records required by any federal or state statute or regulation;
- (8) Failure to provide adequate control against the diversion, theft and loss of drugs;
- (9) Provision of required security for legend drugs and, in the case of controlled substances, compliance with security requirements for wholesalers set forth in regulations adopted under chapter 420b; and
- (10) Compliance with all regulations adopted to enforce the provisions of this section.

(d) **Suspension, revocation or refusal to renew registration.** The commissioner may suspend, revoke or refuse to renew a registration, or may issue a letter of reprimand or place a registrant on probationary status, for sufficient cause. Any of the following shall be sufficient cause for such action:



- (1) The furnishing of false or fraudulent information in any application or other document filed with the commissioner;
  - (2) Any criminal conviction of the registrant under any federal or state statute concerning drugs;
  - (3) The suspension, revocation or other restriction or penalty issued against a license or registration related to drugs;
  - (4) Failure to provide adequate control against the diversion, theft and loss of drugs; or
  - (5) A violation of any provision of any federal or state statute or regulation concerning drugs.
- (e) **Compliance with applicable laws.** Wholesalers and manufacturers shall operate in compliance with applicable federal, state and local statutes, regulations and ordinances, including any applicable laws concerning controlled substances, drug product salvaging or reprocessing.
- (f) **Inspections and audits.** Wholesalers and manufacturers shall permit the commissioner, or his authorized representatives, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating procedures, at reasonable times and in a reasonable manner.
- (g) **Hearings.** Before denying, suspending, revoking or refusing to renew a registration, or before issuing a letter of reprimand or placing a registrant on probationary status, the commissioner shall afford the applicant or registrant an opportunity for a hearing in accordance with the provisions of chapter 54. Notice of such hearing may be given by certified mail. The commissioner may subpoena witnesses and require the production of records, papers and documents pertinent to such hearing.
- (h) **Sale of drugs limited. Regulations.** No wholesaler or manufacturer shall sell any drugs except to the state or any political subdivision thereof, to another manufacturer or wholesaler, to any hospital recognized by the state as a general or specialty hospital, to any institution having a full-time pharmacist who is actively engaged in the practice of pharmacy in such institution not less than thirty-five hours a week, to a chronic and convalescent nursing home having a pharmacist actively engaged in the practice of pharmacy based upon the ratio of one-tenth of one hour per patient per week but not less than twelve hours per week, to a practicing physician, podiatrist, dentist, optometrist or veterinarian or to a licensed pharmacy or a store to which a permit to sell nonlegend drugs has been issued as provided in section 20-624. The commissioner may adopt such regulations as are necessary to administer and enforce the provisions of this section.
- (i) Each registered manufacturer or wholesaler of drugs shall operate a system to identify suspicious orders of controlled substances and shall immediately inform the Director of Drug Control Division of suspicious orders. Suspicious orders include: orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency. Each registered manufacturer or wholesaler of drugs shall also send the Drug Control Division a copy of any suspicious activity reporting submitted to the DEA pursuant to 21CFR 1301.74.



~~(j)~~~~(i)~~ **Penalty.** Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

**Section 4. Section 21a-254(h) of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 21a-254

(h) A complete and accurate record of all stocks of controlled substances on hand shall, on and after July 1, 1981, be prepared ~~biennially~~ annually within four days of the first day of May of the calendar year, except that a registrant may change this date provided the general physical inventory date of such registrant is not more than six months from the annual inventory date, and kept on file for three years; and shall be made available to the commissioner or his authorized agents. ~~The keeping of a record required by or under the federal Controlled Substances Act, or federal food and drug laws, containing substantially the same information as is specified above, shall constitute compliance with this section, provided each record shall in addition contain a detailed list of any controlled substances lost, destroyed or stolen, the kind and quantity of such substances and the date of the discovery of such loss, destruction or theft and provided such record shall be made available to the commissioner or his authorized agents.~~ All records required by this chapter shall be kept on the premises of the registrant and maintained current and separate from other business records in such form as to be readily available for inspection by the authorized agent at reasonable times. The use of a foreign language, codes or symbols to designate controlled substances or persons in the keeping of any required record is not deemed to be a compliance with this chapter.

NEW SUBSECTION – Perpetual Inventory of Schedule II Controlled Substances (after current section h)

- (a) As used in this section, "pharmacy" and "institutional pharmacy" have the same meanings as provided in section 20-571 of the Connecticut General Statutes.
- (b) All pharmacies and institutional pharmacies shall maintain a perpetual inventory of each Schedule II controlled substance, designated as such in section 21a-243-8 of the Regulations of Connecticut State Agencies.
- (c) The perpetual inventory shall be reconciled on monthly basis. Any loss, theft, or unauthorized destruction of each controlled substance discovered during the reconciliation must be reported by a pharmacy or institutional pharmacy within 72 hours of discovery of any such occurrence to the Commissioner of Consumer Protection pursuant to section 21a-262(a) of the Connecticut General Statutes and section 21a-262-3 of the Regulations of Connecticut State Agencies.
- (d) All Schedule II controlled substance perpetual inventory records shall be: (1) kept on the premises of the pharmacy or institutional pharmacy; (2) maintained in an orderly manner separate from all other records; (3) filed by date; and (4) retained for a period of no less than three years. These records shall be made immediately available for inspection and copying by the Commissioner, the Commissioner's authorized representative or others authorized to review the documents pursuant to section 21a-265 of the Connecticut General Statutes.



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

**Section 5. Section 20-633b(c) of the general statutes is repealed and the following is substituted in lieu thereof:**

(c) A sterile compounding pharmacy shall comply with the most recent United States Pharmacopeia; Chapter 797, relating to Pharmaceutical Compounding - Sterile Preparations, as amended from time to time. A sterile compounding pharmacy shall also comply with all applicable federal and state statutes and regulations.



## Agency Legislative Proposal - 2018 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): DCP2018Licensing.doc

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_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: Licensing Services Division

Agency Analyst/Drafter of Proposal: Leslie O'Brien

**Title of Proposal:** License Streamlining

**Statutory Reference:** Sec. 21a-4, Sec. 21a- 190b, 21a -190c, 20-457(e), 20-457(f), 7-169h(h)(1), 7-169h(h)(2), 7-169h(h)(3)

**Proposal Summary:**

**Section 1 and Section 2** amend the filing requirements for charitable organizations, Sec. 21a- 190b and 21a -190c, to reduce from two to one, the number of authorized officers required to sign the initial/renewal application and removes the requirement that charitable organizations provide copies of financial reports (990s) and replaces with a requirement that they attest that the documents have been completed.

**Section 3** amends Sec. 20-457(e) and (f) so that the lapsed Community Association Manager credential is addressed consistent with the provisions of P.A. 17-77.

**Section 4** removes requirements that organizations have to hold active bingo permits, club permits or bazaar permits order to be issued a sealed ticket permit in Sec. 7-169h(h)(1) ,Sec. 7-169h(h)(2), Sec. 7-169h(h)(3).

**Section 5** adds subsection (f) to Sec. 12a-4 to clarify that credentials with one fee which covers both application processing and the credential itself, said fee is nonrefundable.

### 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? **No**
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? **No**
- (3) Have certain constituencies called for this action? **No**
- (4) What would happen if this was not enacted in law this session? **These areas of credentialing will be less efficient and continue to result in questions from others where there are inconsistencies.**

**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? **NA**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **NA**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **NA**
- (4) What was the last action taken during the past legislative session? **NA**

To amend filing requirements for charitable organizations, change the lapsed renewal fee for community association managers to be consistent with CGS Sec. 21a-4(e), remove requirements for sealed ticket permits, and clarify that with credentials where the fee covers the application processing and credential, said fee is nonrefundable.

### PROPOSAL IMPACT

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

**Agency Name:** None  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.

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

#### Summary of Affected Agency’s Comments

NA

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

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



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

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

These changes will provide more clarity and efficiency to the credentialing process at DCP.

**Insert fully drafted bill here**

**Section 1. Section 21a- 190b of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 21a-190b. Registration of charitable organizations prior to solicitation. Hearing on application. Late fee. Extension of time for financial report. Failure to register. (a) Every charitable organization not exempted by section 21a-190d shall annually register with the department prior to conducting any solicitation or prior to having any solicitation conducted on its behalf by others. Application for registration shall be in a form prescribed by the commissioner and shall include **[payment of] a non-refundable application** fee of fifty dollars. Such application shall include: (1) A registration statement, (2) an annual financial report for such organization for the preceding fiscal year that is prepared in accordance with the provisions of subsection (a) of section 21a-190c, and (3) an audited financial statement as required by subsection (b) of section 21a-190c. **[Two]An** authorized officer[s] of the organization shall **[sign the registration statement and shall]** certify that the statements therein are true and correct to the best of their knowledge. A chapter, branch or affiliate in this state of a registered parent organization shall not be required to register provided the parent organization files a consolidated annual registration for itself and its chapter, branch or affiliate. Each charitable organization shall annually renew its registration not later than eleven months after the end of such organization's fiscal year.



(b) In the event the department determines that the application for registration does not contain the documents required in subsection (a) of this section or is not in accordance with the regulations adopted by the commissioner pursuant to this chapter, the department shall notify the charitable organization of such noncompliance not later than ten days after the department's receipt of such application for registration. [An application for registration shall be deemed to be approved if the charitable organization is not notified of noncompliance by the department not later than ten days after the department's receipt of the application for registration.] Any such charitable organization may request a hearing on its noncompliant status in accordance with the provisions of Chapter 54 of the Connecticut General Statutes[not later than seven days after receipt of such noncompliance notice. Such hearing shall be held not later than seven days after the department's receipt of such request and a determination as to the organization's compliance status shall be rendered no later than three days after such hearing].

(c) In addition to the application fee required pursuant to subsection (a) of this section, a charitable organization shall pay a late fee of twenty-five dollars for each month, or part thereof, that such application for registration is late. The commissioner may, upon written request and for good cause shown, waive or reduce any late fee under this section.

(d) In the event that a charitable organization fails to register in accordance with the provisions of this section, such organization shall include in its application for registration an annual financial report for each of the previous years in which such organization was required to file an application for registration or an annual financial report.

(e) Any charitable organization registered in accordance with this section on September 30, 2005, shall be deemed to be registered pursuant to this section until the last day of the fifth month after the close of the fiscal year in effect on September 30, 2005.

**Section 2. Section 21a- 190c of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 21a-190c. Annual financial reports. Fiscal records. (a) Every charitable organization required to register pursuant to section 21a-190b shall [annually] file with the department, as part of such organization's application for registration, a financial report for its most recently completed fiscal year, which report shall include a financial statement and such other information as the commissioner may require and shall be certified by [two]an authorized officer[s] of the organization[, one of whom shall be the chief fiscal officer of the organization]. The information contained in such report shall be available to the public. S[uch]aid officer[s] shall certify that such report is true and correct to the best of their knowledge. The commissioner shall prescribe the form of the report and may prescribe standards for its completion. The commissioner may accept, under such conditions as said commissioner may prescribe, a copy or duplicate original of financial statements, reports or returns filed by the charitable organization with the Internal Revenue Service or



another state having requirements similar to the provisions of sections 21a-190a to 21a-190l, inclusive, or a statement attesting that said documents have been filed with the Internal Revenue Service or another state having requirements similar to the provisions of sections 21a-190a to 21a-190l. The commissioner may require a charitable organization submit to the department an updated financial report for the charitable organization's most recently completed fiscal year, which report shall include a financial statement and such other information as the commissioner may require.

(b) A charitable organization with gross revenue in excess of five hundred thousand dollars in the year covered by the report shall include with its financial statement an audit report of a certified public accountant. For purposes of this section, gross revenue shall not include grants or fees from government agencies or the revenue derived from funds held in trust for the benefit of the organization. The commissioner may, upon written request and for good cause shown, waive the audit report requirement under this subsection.

(c) Every charitable organization required to file an annual report and every charitable organization subject to the provisions of subdivision (6) of section 21a-190d shall keep true fiscal records which shall be available to the department for inspection upon request. Such organization shall retain such records for no less than three years after the end of the fiscal year to which they relate.

**Section 3. Section 20-457 of the general statutes is repealed and the following is substituted in lieu thereof:**

Sec. 20-457. Required and prohibited acts re certificate of registration. Penalties for violations. Expiration and renewal of certificate. (a) Each person engaged in providing association management services shall (1) exhibit his certificate of registration upon request by any interested party, (2) state in any advertisement the fact that he is registered, and (3) include his registration number in any advertisement.

(b) No person shall: (1) Present or attempt to present, as his 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 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 registration constitutes an endorsement of the quality of his services or of his 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 be fined not more than one thousand dollars or 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 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 application for renewal is made shall have his registration restored upon payment of a fee of fifty dollars in addition to his renewal fee. Restoration of a registration shall be effective upon approval of the application for renewal by the commission.

(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.

**Section 4. Subsection (h) of Section 7-169(h) of the general statutes is repealed and the following is substituted in lieu thereof:**

(h) [(1) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a bingo permit issued in accordance with the provisions of section 7-169. Such permit shall be renewed annually.

(2) The department may issue a permit to sell sealed tickets to any organization or group specified in subsection (d) of section 7-169 which holds a club permit or nonprofit club permit under the provisions of chapter 545. Such permit shall be renewed annually.]

(3) The department may issue a permit to sell sealed tickets to any organization or group specified in section 7-172 [which holds a permit to operate a bazaar, issued in accordance with the provisions of sections 7-170 to 7-186, inclusive].

[(4) The department may issue a permit to sell sealed tickets to any charitable, civic, educational, fraternal, veterans' or religious organization, volunteer fire department or grange authorizing such organization to sell sealed tickets in conjunction with any social function or event sponsored or conducted by such organization. Any such organization shall have been organized for not less than two years prior to the date of its application for such permit. Such permit shall be renewed annually].

**Section 5. Section 12 of Public Act 17-77 is repealed and the following is substituted in lieu thereof:**

Sec. 12. Section 21a-4 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2018*):



- (a) The Commissioner of Consumer Protection may refund to any permittee the fee paid by him for any permit issued by said commissioner and returned to him prior to its use, provided application for such refund shall be made not later than sixty days after the effective date of such permit.
- (b) The Commissioner of Consumer Protection may impose a fine of twenty dollars on any applicant for a permit or license issued by the Commissioner of Consumer Protection who issues to the commissioner a check drawn on the account of such applicant in payment of a permit or license fee and whose check is returned to the Department of Consumer Protection as uncollectible. In addition, the commissioner may require the applicant to pay to the department any fees charged by a financial institution to the department as a result of such returned check.
- (c) The Commissioner of Consumer Protection may impose a fine on any applicant who fails to renew a license, permit, certificate or registration not later than the expiration date of such license, permit, certificate or registration. The amount of the fine shall be equal to ten per cent of the renewal fee but shall not be less than ten dollars or more than one hundred dollars.
- (d) Notwithstanding any other provision of the general statutes, each applicant whose license has lapsed for a period longer than the length of time allowing automatic reinstatement may apply for reinstatement to the appropriate board. Upon receipt of such application and payment of the fee, the [board] department may, at its discretion, reinstate a lapsed license without examination, provided such application for reinstatement is accompanied by a notarized letter and supporting documentation attesting to the applicant's related work experience in their occupation or profession from the time he or she had let such license lapse. Such applicant, upon approval by the [board] department, shall pay all back license and late fees in order for such license to be reinstated.
- (e) When a license, permit, certification or registration has lapsed for a period longer than the length of time allowing automatic reinstatement, or the general statutes are silent as to the period of time during which reinstatement of the license, permit, certification or registration is permissible, an applicant may apply for reinstatement to the department. Upon receipt of such application and payment of the corresponding application fee, the department may, if application was made not later than three years after the date allowing automatic reinstatement, reinstate the lapsed license, permit, certification or registration without examination. The applicant, prior to reinstatement by the department, shall pay all back license and late fees, unless the applicant attests that he or she has not worked in the applicable occupation or profession in this state while the license, permit, certification or registration was lapsed, in which case the applicant shall pay the current year's renewal fee for reinstatement. If the license, permit, certification or registration lapse is three years or more, the applicant shall apply for a new license, permit, certification or registration.
- (f) Unless expressly provided otherwise in the Connecticut General Statutes, application fees for a license, permit, certification or registration within the purview of the Department of Consumer Protection shall be nonrefundable.